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# Jim Lofton

George Brydges Rodney

# JIM LOFTON AMERICAN

GEORGE BRYDGES RODNEY

Author of  
*"In Buff and Blue"*

**This is a novel of an epoch**

---

Labor and Capital, so long at each other's throats, discovered during the war, so fortunately by the grace of God concluded, that there **was** a Middle Ground upon which they could meet and stand shoulder to shoulder, even-eyed against the world.

That Middle Ground was the ground of Nationalism.

If that can be done once, surely it can be done again; this time without the hot fires of war to weld them together into a common tool for their common use against cruelty, rapacity and fraud.

In the future, Americanism is to have a great place; a place guaranteed by two hundred years of struggling and bloody internecine wars, the birth-pains of a great nation.

It remains for us the Sons to sow and reap where our Fathers tilled and by keeping from our fields all seeds of Anarchy, Rebellion, Bolshevism and the thousand other "isms" blowing abroad from a world gone mad, to guarantee our fitness to create, to hold and to pass on to our issue an: AMERICA FOR AMERICANS.



# JIM LOFTON AMERICAN

By  
George  
Bridges  
Rodney



High courage, indomitable pluck and persistence help this man to "carry on". Jim Lofton, unused to western conditions and untrained for the battle of life, yet finds in Colorado's hills his pot of gold—only the pot of gold means instant death.



**JIM LOFTON**

*American*



# JIM LOFTON

*American*

by

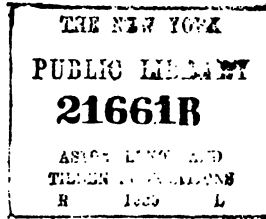
George Brydges Rodney, 1872 -

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## **AUTHOR'S NOTE**

I DESIRE to acknowledge in this note my debt to Captain Achmed Abdullah for his invaluable collaboration in this book.

**GEORGE B. RODNEY.**

W J R 19 FEB '36



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## THE FOREWORD

THIS is a novel of an epoch.

Labor and Capital, so long at each other's throats, discovered during the Great War [so fortunately by the grace of God concluded] that there *was* a Middle Ground upon which they could meet and stand shoulder to shoulder, even-eyed against the world.

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**AMERICA FOR AMERICANS.**

G. B. R.



**JIM LOFTON**

*American*





# JIM LOFTON—AMERICAN

## CHAPTER I

### JIM LOFTON FINDS A JOB

It was night in Denver, with a soft flavor of Spring in the air, yet on the wings of the slow high wind that drove the dusk to the east a keen tang of snow from the jagged, frost-bitten peaks of the higher ranges. Night with the stars like golden pin-heads buried deep in the velvet of the skies spreading toward the luminous cluster of Orion, then melting away into the inter-stellar silences.

He was sitting on the end of the park bench, slouching forward in his seat, idly twisting a brown cigarette paper in his fingers. It was not the lack of tobacco, though that too was lacking, that annoyed him.

It was hunger.

He sighed and stretched his long legs. Given a full stomach that would have been a luxurious stretch, Jim Lofton thought. Lacking that, it became stiff. He grinned at his own plight.

The policeman on the beat strolled curiously toward him. From Kimberley to Denver, policemen in the last year seemed to have contracted that habit.

"Hey there! You, I mean! No sleepin' in the park—"

He cut short his injunction, disarmed by the man's smile. Not such a bad-looking tramp, he thought, with

his thick curly black hair, the strong face ending in a powerful chin, furrowed by the dark chasm of deep-set eyes.

The officer was not a trained physiognomist but—  
“Let the poor guy have a few minutes’ sleep if he needs it!”

And he walked slowly away playing with his locust while Lofton made himself as comfortable as he could.

He dozed off.

A few minutes later he was aroused by a scuffling on the graveled walk. He looked up. A man had slouched into the seat beside him. Lofton sensed a companion in misery by the droop of the man’s shoulders, the haggard, ill-shaven cheeks, the greasy sweater, the dilapidated hat.

“What the deuce do you mean, kickin’ a fellow out o’ bed at this time o’ night?” he demanded whimsically.

The other caught the spirit of the jest and returned it in kind. “All them other hotels yonder ’re full up,” he said, pointing to the neighboring benches. After a short pause he added: “Had any grub to-night, friend?”

“My dinner ’s served late,” said Lofton grimly. “What d’ you want?”

“Oh, I ain’t perticular. Most any old kind of a T-bone steak ’ll do. Honest! Say, Mister, kin you gi’ me the price of the eats?”

Lofton thrust his hand into his pocket. His fingers gripped a lone fifty-cent piece. He fingered it softly, lovingly—should he or should he not—?

He looked at the other.

“Hungry?” he asked laconically.

“Hungry? I’ve had nothin’ in my belly fer twenty hours,” said the other simply.

Out came the half-dollar.

J E V N

"Look here." Lofton held it up. "I got it this afternoon for rollin' barrels into a warehouse. If you know any place where we can get a bushel of food for it—lead me to it!"

His companion rose promptly.

"Come on," he said.

They made their way along the crowded thoroughfares where the restaurant windows temptingly displayed great pyramids of food, to a narrow little side street into which his new friend turned with confidence born of long knowledge, to be swallowed up a moment later by a dingy door that slapped to behind him, nearly striking Jim in the face.

It was the usual interior of a cheap Western lunch-counter; the walls covered with peeling layers of soot, the counter with a gaudy oilcloth, itself a symphony of mustard and coffee spots; the lonely, hand-written menu so diaphanous from age-old grease that one could see through it to the fly-specks on the back.

The two men scanned the card with feigned interest. It was purely a matter of form. They knew what they wanted; beans and coffee with lots of bread on the side. Experience had taught them that they could get most of that for fifty cents.

Supper eaten, the street claimed them again and, with the familiarity bred of having eaten salt together, the stranger spoke.

"Look-a-here, friend! I won't forget this. I was sure hungry. Where're you goin' now?" He looked wistfully back at the lunch-counter. It was warm in there at least.

"Anywhere to get work," was the simple answer. It was characteristic of Jim Lofton that he should say nothing as to his qualifications.

Three years before he would have told how he had lost

his last job, a good one too, in the Transvaal Rand; how he had wandered from there to the nitrate diggings of Chili on the strength of a letter from an Englishman and because of the fact that Chili was nearer Home, the Home that he had known ten years earlier when his mother was yet alive.

He might have told how he had drifted still farther North in the general direction of Home, to the mines in the Cayetani in Venezuela where he would have made a modest stake but for a foolish bet made in the English Club in Baranquilla, that he could run a twenty-two foot motor boat to Mobile on a time limit. He had lost that bet—it was for three thousand dollars—owing to the fact that he and his companion ran out of water, of which they had too little, and had to make their coffee with champagne, of which they had too much, and so boomed into Mobile—ten hours too late.

It had always been so with Jim Lofton. He was always a few hours too late. And now he was here in Denver—again too late apparently. This time however it had not been his own fault, from which fact Jim derived a certain slightly self-righteous and entirely humorous consolation. From Mobile, the promise of a position as consulting engineer had drawn him to Denver. He had arrived there to discover that a few days earlier the worst strike that the country had known for years—and Colorado was the Home of strikes—had broken out all over the State.

“Anywhere to get work,” he repeated.

“Got an extra nickel about you?”

Jim fished for a moment among the aggregation of holes that formed most of his pockets.

“Yes. Glory be! Here’s one. What good’ll it do?”

“It’ll buy a mornin’ paper. There’s enough mines in this country needin’ men to make it a payin’ invest-

ment fer us to buy a paper. My name's Easy. Ben Easy! No! It ain't Been Easy—You needn't look at me like that," he went on, seeing a twinkle in Jim's eyes. "'O' course I have been easy too an' I'm easy yit. I've worked all over the country in coal mines from the lousy holes in Pennsylvania to the death traps in West Virginia where they poison you with gas, an' I'm bound to say that I never yet have liked it—An' here it is with me up against the same old thing again."

Jim grinned sympathetically, while the other swept on, caught on the flood tide of narrative.

"Of course, nowadays it ain't like it was when I was a kid in the sof' coal country east o' Pittsburg. Then, you laid on your side in three inches o' dirty water an' picked side-ways with a short-handled pick with one 'buddy' fer a helper. Many's the time that I've saw two men that didn't gee together, workin' in the same coal drift. Of course one of 'em 'd have to hold the drill while the other did the hittin' with a four-pound sledge. If there was any old grudge between the two men, an' there mostly was, it didn't take much to make the striker let his hammer head slip offen the drill takin' the other man on the wrist. I've saw two men maimed fer life that way.

"They mine like gentlemen nowadays. Oh, yes! They have their coal-augers to bore their holes with. An' when they've bored their holes an' placed their blasts, like gentlemen should, they walk back at grub time an' tell the Company fire-boss that they're ready. Then when the men 're all out, he sets off all the blasts at once. They say it saves life. They never thought nothin' of life ten years ago."

"Labor Union man?"

"I ain't. I wish I was sometimes. How kin I tell what I am? How kin any man tell what he is er what

he will be when he starts out at fourteen a mule-boy in a mine; has that job took away from him because his stable-boss, a Wop that can't talk English, wants the place fer his nephew. Let that happen once er twice—it's happened a dozen times to me—an' you don't keer a hell of a lot what happens. That's what happened to me—me what was goin' to be an owner at thirty," he said bitterly.

Jim scanned him critically. Easy was a fair type of the average working man who has no recognized trade, who has drifted along the line of least resistance with neither the inherent force required to make the first-class workman desired by any union for which he might be qualified nor yet the general education, non-specialized, that might have enabled him to take and hold an office position. There are thousands of such and not one of them but aspires as did Ben Easy: "To be an owner at thirty"; when they do not even own themselves.

"—I'm derned near an Anarchist, I tell you that. Man an' boy, I've worked in mines of all kinds for twenty years. I started as a boy when they used mules only—spraggin' come next an' then the work; the real work that keeps a growin' boy out o' God's sunlight an' never gives him a chance to place himself where he wants to be, 'cause he's got to slave like a African nigger to keep body an' soul together—"

Jim nodded soberly. It was true.

"I know," he said; "but the question is, 'Can we get work?' We've got to get something to do or the police'll get us. Come on, Easy. Let's tramp the streets till two o'clock. The first editions come out then."

It was a long two hours' wait. Even in March, the nights in Denver are cold so that more than once the

two men sought the comforting warmth of the open iron gratings in the side-walks where the steam came swirling up from the cook-shops or boiler-rooms in the basements, whereon they stamped their feet noisily to restore the circulation.

"An' when we git a job—I mean *if* we git one,"—it was Easy speaking—"it'll be some damned monkey's allowance of bread an' cheese. No, sir! There's no such thing as a square deal nowadays. There is somethin' wrong when two able-bodied men like you an' me, who only want work, can't git it. What'll happen when we git a job; if we are lucky enough to git one at an agency? Do you know? I do. I've had it happen before. To git that job, we'll have to promise the agent two dollars out of our first pay. Then we'll git a job. We won't be allowed to keep it after the first pay-day—Why not?"—He gazed at Jim as one might look at a hopeless case—"Hell, man! Anybody could tell that you're no workman! You'll lose your job after the first pay-day because the foreman on the job will get a rake-off from the agency to fire you. The agency sends fresh lots every two weeks an' every man of that fresh lot pays two dollars to the agent. The agent pays fifty cents a head to the foreman fer every man he fires. Fifty men a week'll be twenty-five dollars a week fer him. See?"

Jim said something. This was learning the facts of the underworld with a vengeance.

"How do I know?" came Easy's raucous voice again. "I must be wrong, hey? No, sir! I ain't wrong. I know 'cause I've done it myself. That's what happens to a man who ain't a Union man. If I'd ever had time to do more'n work for a livin', I'd—Oh, hell! What's the use? What's that news-boy yellin'?"

A ragged boy ran past them yelling his morning



papers, and unkempt men fished hurriedly in pockets for nickels and snatched the warm sheets from the boy's hands. Jim took his last nickel from his one-time waistcoat, tossed it to the boy and seized the paper. Together with a dozen others he and Easy crowded up to the frosty, indifferent light that streamed through the business-department window on the ground-floor of a building and eagerly scanned the columns of an inside page.

The inside page!

They did not once glance at the flaring head-lines of the outer sheet.

The very manner in which the hungry men standing in that haggard shaft of light read their papers would have been a revelation to the philosophical observer of crowds.

In all that group, not one man was intent on reading the news of the great, throbbing world about him; of the political details, tragic, useless, silly, that make up the history of the world day by day. Never a man cared who held Vera Cruz nor how often Villa should spring across the Border. Not a man asked whether the Culebra cut still stood firm. Not a man considered the lies and traps of secret diplomacy or any other sort of diplomacy. When one has a gnawing feeling just below the middle waistcoat button, when one does not know where the next meal is to come from, national and international events are foolish issues.

Men were there and women too who scanned those columns eagerly, hoping to see that some one was offering an open market for such wares as they had to offer. That their wares were old and of no particular value did not matter to them. They were all that they had and they must live. They could not realize that an untrained laborer who has never learned a trade, has to-

day no more chance of making a competence than a child has of comprehending the Copernican system. To-day, men do not search the scrap-heap hoping to find efficient machinery with which to do costly work.

"There you are."

Easy's grimy finger ran slowly down the third column, past notices of "Salesmen wanted"; past insistent urgings for men who had two thousand dollars of capital to apply for jobs that were guaranteed to net them double that sum in a week; past varied other notices; and stopped at:

"WANTED—Men Wanted. Miners of soft coal wanted. Passage, meals, and steady work guaranteed. Apply at 716 Beacon Street."

That was all.

"Come on." Easy grabbed his new acquaintance by the sleeve and fairly dragged him up the street. "Come on, I say. If we fool away any time we'll find a line there a mile long an' we'll never git a chance to even apply. I know the way. Come on."

He led Jim past the still-reading crowd down one street and into the next. Block after block they hurried through. The city was beginning to awaken now. A shaft of crimson light suddenly spiked up in the East. Once a milk-wagon passed them at trot; again their ears caught the clang of a fire-gong. Momentarily the number of people in the streets increased.

"Here we are! There's seven sixteen! Gosh man! Look, will you! See the line—"

A line of men that extended for quarter of a mile had formed in front of the building. They were waiting for the office to open and it was only six o'clock.

"We'll have to mark time. Crowd up as close to the head of the line as we can and stay there in spite o'

hell an' high-water," said Easy. "Don't let any man shove you out o' line. If we can't get a place, we'll crowd into the line as soon as the office opens an' start a fight. That always works. You'll see. The police 'll come in an' pinch the wrong man. They always do. Get me?"

Obeying his own instructions, he pushed up into the line to be greeted with curses and imprecations from several men who were crowded out by his truculent manner and his sharp elbows that dug impartially to right and left. Jim followed his example and together they fought and struggled up the line till they had won a place not far from the door.

"Step on their toes," Easy whispered hoarsely to Jim. "Flatten out their tires. If yuh step on a guy's foot, he's gotta lift it up to see if it hurts—Then you can push him over right quick—Say! Here comes Miss Nancy now!—Say you big, fat, flat-faced slob! Quit pushin' me or I'll call an orfcer," he shouted fiercely at a hulking Bulgarian who was vainly striving to climb over the backs of the two men. He accompanied his verbal remonstrance with a sudden sharp elbow jolt in the pit of the man's stomach that drove him back, pale, perspiring, suddenly sick.

Jim chuckled. This stranger Easy was not a bad "side-kick."

"Here's Miss Nancy," said Easy again. He pointed with his chin, negro-fashion, to a pale, blotchy-skinned youth who, having passed the crowd, had wormed his way to the head of the steps where he was hastily unlocking the door to the office.

"Here you," "Miss Nancy" addressed a flat-faced Slav who was standing on the top step just above Jim and Easy, "what d'you mean, crowdin' up like this so a man can't 'tend to business! Git back, I say!"

The words alone would have accomplished nothing, but the heel of a man's fist, even if the man weigh but a hundred and twenty pounds, can do much if the man attacked be taken unawares. The Slav was so taken.

He backed and backed, the hand always under his chin, till, his heel striking the edge of the top step, he toppled over backwards and fell through the crowd that opened to receive him and promptly closed up again over him, paying scant regard to the outlying portions of his anatomy. Searchers for work are careful of no man's comfort save their own.

The passing of the Slav left Jim and Easy the top men on the stair-flight. The pale-faced youth turned to them.

"Here you—" He jerked out the words as though they hurt him. "Want a job, you—"

He had no time to complete the epithet that he had started. Jim knew well enough what it would be and he did not like it. Easy might have accepted tone and epithet quietly. He had become used to such things. He thought it was a waste of time and energy to get into arguments with men who held the whip-hand.

Jim was different. It had not been long since he had been giving orders, not taking them. He flared up but even as his hand shot out, taking "Miss Nancy" by the dirty collar of a dirtier shirt and shaking him as a terrier shakes a rat, there was an undercurrent of good-humor in his heart as well as in his voice.

"Don't be a fool." He shook the scared clerk vigorously. "Don't be a fool, asking me if I want a job. What do you suppose I came here for? To say good morning to you? I not only want a job, my young friend, but I've come here in person to get it. See? Two jobs. Get that! One for my friend here and one for me. We go together. One job'll help neither of

us. Are you in charge here?" he wound up, releasing the now thoroughly shaken-up youth.

"No—sir—" The youngster subsided. "That is, I'm only sendin' the men who look likely to see Mr. Wharton. He's down at the railroad station now. Wait—Here—Here 're a couple of cards. Show 'em to Mr. Wharton."

Jim took the cards and thrust them carelessly into his pocket.

"All right," he said. "Look here, kid. Let me tell you something for the good of your soul. Before you get fresh to a white man who is bigger'n you, find out whether he's had breakfast or not. Come on, Easy—"

They clumped down the steep steps, leaving the frightened clerk standing at the landing fingering his aching neck.

"That's one way of gettin' a job," he said plaintively. "I guess I'll get Wharton on the 'phone and tell him they're particularly good. I can't wish either of 'em anything worse than to get what Wharton calls a good job. Hello, Central!—Yes—Black Seven-three-nine-six, please—Yes—That you, Mr. Wharton—Well—"

His voice droned on into the telephone while Jim and Easy in blissful unconsciousness of what awaited them, strode down the street at top speed to get the places they hoped would be vacant.

## CHAPTER II

### CERTAIN GRAY EYES APPEAR

THE clocks were striking eight when Jim and Easy walked upon the station platform. A passenger train composed of day-coaches was drawn up alongside, the engine puffing and snorting impatiently. Not far from the train, on a soap-box, stood a short, powerful man addressing a surging mob of eighty or ninety men, mostly foreigners, Italians, Greeks and Slavs from all the Balkan States, who were gathered about him.

"That's Wharton, I'll bet," said Easy: "and the bulls." He pointed to a half-dozen policemen who were keeping a watchful eye on the crowd. "They're needed too and don't you forget it! You see every one o' them Dagoes belongs to his own little union. It ain't no good. It's got no strength an' it don't aim to do nothin' fer its own members but to give them a rallyin' place where they kin shoot off their mouths when they git fired. The real Union, the big American Union, has been tryin' to get a hold of 'em to lick 'em into shape so they can make somethin' out of 'em. But—no, sir! They prefer to herd with their own kind! Oh, there's Americans in with 'em too. Every time you find a crowd of them ignorant Ginnies settin' up a Union, as they call it of their own, you'll find some unattached American tryin' to work 'em to pull the chestnuts outen the fire for him—There're some of 'em now!"

He pointed to a little crowd of men which had gathered across the street from the cars.

"Who? Who are they? What do you mean?"

"Mean? Man, I mean that these men who are goin' down here with us are the very cheapest kind o' foreign labor. They're goin' there 'cause so far they'd rather work than starve. That crowd over there is the gang I'm tellin' you about. Cheap workers who've struck, who won't come over to the real Union and who won't let no one work cause they themselves don't want to. Looks like them bulls'll come in handy, don't it?"

"You bet," Jim replied grimly, scanning the knot of aggressive looking men who had gathered across the street; men who, suddenly in fits and starts, as if obeying a deep-seated impulse which swept them all simultaneously, broke into shouts and curses, epithets, invectives in many tongues occasionally punctuated by a tomato that was none too fragrant.

Wharton did not seem to hear or care. He marshaled the foreigners of his party into the puffing, waiting train, occasionally exchanging a word with the station agent who stood near.

"Hurry up, you big boob," to a huge, broad-shouldered Sicilian. Then seeing Jim and Easy, and noting that they were what he termed "white" as opposed to men of foreign blood, he hailed them loudly, pushing his disreputable, black derby to the back of his head where it hung literally by a single hair.

"Hey there! You two! Are you-all the men that Walling telephoned about?"

"Who's Walling?" asked Jim.

"My clerk what keeps the up-town office. He told me he was sending two men down to see me about a job. Are you them?"

"Well—we do want a couple of jobs, if you've got good ones. What are they and what are you paying?"

"Breakfast before you start—that is, you take it

with you. Dinner on the way and a permanen<sup>t</sup> job fer as long as you want it on wages that'll average you four dollars a day. Take it or leave it."

"Don't you take it, Mister," shouted a voice from the street-corner. "He'll sting you worse'n you was ever yit stung! Don't hold out on good Americans just 'cause they ain't naturalized yit. Look at what you're goin' with—" A comprehensive gesture included the crowd on the platform from which all the tongues of the Pentecost rose in a raucous chorus.

"—All he'll do'll be to run you down there to where you ain't got no friends an' then they'll tin-can you when the agent wants to make another rake-off. He wasn't born yesterday. He knows how to suck eggs without breakin' the shells."

Mr. Wharton acknowledged the compliment to his alleged shrewdness by sweeping off his hat in a profound bow. He turned to Jim.

"You all got to talk quick. This train's goin' straight off. Are you an' your side-kick goin'?"

"Needs must when the Devil drives," muttered Jim between his teeth. "Come on, Easy. We can quit when we want to anyway. All right, Wharton. We'll go."

"I thought you would." Wharton grinned frankly at them. "Now all you Ginnies an' Dagoes an' Wops an' all you fancy beggars—pile on!"

The entraining was accompanied by many adieux from the mob; none too loving as was attested by a rotten egg that broke on the nape of Easy's neck.

He mopped it off and painstakingly gave the thrower his opinion of his ancestry for four generations. The crowd roared appreciatively. They might not know much English, but what Easy said was included in their vocabulary. Jim pulled his angry companion into a seat and subsided alongside him.



"Don't mind it," he chuckled. "It didn't really hurt you. An egg can't hurt. Why, man, it's no worse for you than it is for me," he added, sniffing.

"The hell it ain't! It's darned funny how easy it is to be good-natured over somebody else's bad luck. I wish I had a drink—"

"If I know the signs of it, there's plenty aboard."

A black bottle had appeared and was passing freely among four Greeks sitting in the seat across the aisle. One of them, seeing the look of envy with which Easy followed it, companionably passed the bottle to him. Easy wiped the bottle-neck on his coat-sleeve, took a long drink and passed it to Jim. He shook his head quietly.

"No?" Ben looked surprised, even slightly hurt, and Jim, noticing the expression in his companion's face, hastened to explain that he had already drunk his share in this world. "Never again for mine," he said.

Had he told the whole truth, he would have added that the resolution had been made on the spur of the moment, very suddenly.

It had always been so with him in the past, sudden, obstinate resolutions often for bad—now perhaps for good—who could tell? He had done it before.

He was under no illusions about himself. He thought he knew himself very thoroughly; headstrong, disposed to build hurdles for himself and then to jump across them just to see if he could jump back again, but never a sniveling, self-righteous hypocrite. He would not attempt to preach temperance to any one else—

"Never again, Easy," he repeated. "I think I'll go up to the smoker. Give me the makin's, will you?"

Easy handed him a half-filled tobacco sack and a few crumpled brown papers.

Jim strolled through the swaying, creaking train to

the smoker. He seated himself in the end seat near the stove, for he had no overcoat and the day was cold, and gave himself over to reflection.

He had had his chance, he thought bitterly. One chance? He had had a half dozen chances,—in South Africa, in South America, and he had thrown them deliberately aside.

God! If he could only get back there! To the everlasting sunshine of the South; to the wastes of the treeless veldt—

He looked out at the snow-blur that covered Pike's Peak, and the mist-hooded heads of the Sangre Christo range slowly turning pink and orange as the coppery dawn swept up the Eastern sky. He looked at the drab, harsh sweep of the foot-hills rising in range on range to the West. Then he cast a long look at the crowded car behind him. Faugh! It held the off-scourings of Europe and here he was—an American, clean, educated and now—their boon companion—no better than they!

What next?

Then, being an Anglo-Saxon, he gave himself up to that black depression that is the peculiar heritage of the North. Self-assertive, self-repressive, self-confident; self-searching also and lacking the animal buoyancy of the happier people of the South, there come at times to every man of Northern blood occasional periods of relapse, of psychic mutiny when the stormy brain-centers rebel against the repression that is their daily discipline, resulting in fits of black despair, generally baseless, that have caused the number of suicides to be greater among men of the North than among any other people on earth.

The reaction though is just as quick, when the taut nerves relax and the whole magnificent machine of heart and brain responds again to the will of the master.

It was so with Jim Lofton.

Smiling suddenly at his pessimistic self-consciousness, he rose and strolled through the train to the rear-platform of the last car. A breath of mountain air might clear the last cobwebs from his brain.

He had to pass through three cars. They were fairly well filled with the crowd typical of Western-bound trains beyond the Mississippi. The usual party of four cow-punchers was seated in two seats turned to face each other; the usual lot of bandana-decked women held jam-covered, dirty-faced children whose fathers ruminatively chewed tobacco.

A little group on the rear platform caught and held Jim's gaze.

Three men stood there, partly inside, partly outside the car door. They were rather rough-looking men, their hands and faces deep-grained with the tiny particles that come from long contact with earth and rocks. "Miners," he thought, and was about to dismiss them from his mind when, beyond them, outside the car, he saw a girl clinging to the rail of the platform, her figure swaying lightly to the rush of the car. The next moment he realized that the three men were making her the target for impertinent comment and advances.

They pushed and nudged each other with, once in a while, a whispered word.

The girl flushed scarlet. She half turned and her gray-blue eyes met Jim's eyes squarely.

"Please leave me—leave me—I wish to be alone."

At that moment two of the men nudged the third.

"Go on, young feller! Goin' to take a dare? Be a sport—" came a laughing voice.

The third man, younger than the other two, evidently feeling embarrassed but also feeling that his reputation

as a "sport" was at stake, stepped close to the girl and spoke to her.

She turned sharply and moved to enter the car. It was then that the oldest of the three men, a tall, dark, broad-shouldered man who had been grinning at the younger man's attempts to strike up an acquaintance, made the fatal mistake of taking the girl by the arm.

Years later when reminded of the scene, Jim Lofton would deny that he had had any intention of playing to the galleries. He could not fancy himself in the rôle of a hero. He used to explain that what he did, he did because he could not help himself and would add, "What would you have done?"

There was the girl, her gray-blue eyes filled with tears of shame and mortification as she struggled to free herself from the man's grip. She did wrench herself loose finally, and with the vigor of her gesture and the jolting of the car, nearly fell into Jim's arms.

He stepped to one side to allow her to pass. The dark man crowded after her, pushing Jim roughly to one side.

"Here! You!" Jim's tone cut like a whip-lash, causing several people to turn in their seats. The man too turned just in time to receive the thrust of the ready forefinger in his eye—where it was pointed with deadly intent.

Now there are just two portions of a man's anatomy where the slightest touch has the effect of a knock-out blow: one is in the eye; the other is just below the throat on the Adam's apple where the slightest blow will set a man to squawking like a squeezed chicken. Jim had used that thrust before, but never with such wholly satisfactory effect. The man went down as though he had been struck by a high-power bullet, the tears

streaming from his injured eye. His comrades slunk back into their seats.

The girl had seated herself in the nearest seat. She turned a frightened face to Jim.

"I—I—I can't thank you enough," she said. "Those men have annoyed me for the last half-hour. I went out on the platform to get away from them. They followed me. Then you came—" Her voice choked and her eyes filled with tears.

Jim looked down at the golden hair which escaped in little curls from beneath her tiny, gray toque and, as she raised her face trying to smile, he caught sight of a small, firm, very red-lipped mouth and a low, broad, white forehead.

"That's all right," he said very gently. "Don't worry! I'll make sure, though," and he walked over to the cringing pair who had subsided in a seat at the end of the car from which they were watching their weeping companion.

"If you want any more, I'm in the next car ahead," he said softly.

They noted the softness of his voice as men note the glow on steel, that indicates something too hot to be picked up with safety.

"—I'll be back every now and then. If you fellows feel that you've just got to be amused—try that again—that's all. I'll break the back of the man that tries it. Get me?"

He walked down the aisle, raising his hat as he passed the girl. She stopped him with a smile.

"Won't you sit down?" she said impulsively, moving over to the window as she spoke.

Jim looked at the girl's neat, gray suit, then at the clothes he had slept in for three nights.

"I'm afraid—" he began.

"A workman." She completed his unfinished speech with a silvery laugh. "All men who *are* men are workmen out here. Aren't they? I am Miss Stratton. I'm on my way home. My father is employed at the Calderwood Mine. Is that enough introduction?" she asked with another little laugh.

"More than enough," Jim laughed. "My name is Lofton. I'm a miner. I am on my way to a mine that I don't even know the name of, at a place that I don't know. I don't even know for sure if it's gold or silver or galena or coal. Is that introduction enough?"

They both laughed, but when she repeated her invitation to sit beside her, Jim shook his head stubbornly. What could he have in common with a young girl; a pretty girl, clean, educated? He, a failure. It wasn't fair to the girl nor to him, and with a word of farewell he passed out of the car and walked forward, the girl looking after him as he went.

Hour after hour the train roared southward till the mountains swung to the west, and Jim knew that they were mounting the heavy grade by which the panting engines climb almost step by step to Trinidad. He saw others of his party gathering their scanty belongings together, and he knew that they had by some occult reasoning of their own found that they had reached the end of their journey.

He had very little to pack; only a great, crinkly, moist, bursting newspaper bundle, the one thing in all the world that makes a grown man look ridiculous, he thought ruefully; and a well-blackened pipe which he thrust into his coat pocket as he picked his way to the car door.

The train roared to a stop with a protesting belch of acrid, sooty smoke. The men crowded out upon the platform. Here was work waiting for them—work that

was to bring them food and houses and warmth. Here was the reason that had brought many of them to America.

"All you Ginnies an' Dagoes pile out! Here's your place!" shouted the employment agent who had accompanied them.

Jim, considering grimly that he too was included in the title of Ginnies and Dagoes stepped down. Easy was already awaiting him on the platform.

"Well! Here we are," he laughed. He pointed a grimy finger at the dusty, graveled road that swung straight up from the station to the foothills. "Don't you wish we was travelin' like that? Some style there, hey!"

Jim looked. A buckboard had drawn up at the station. A man holding the reins was in the driver's seat and a lithe, gray-clad figure was climbing in. She half-turned and he caught sight of a mass of golden, rebellious curls, of a small, red mouth.

"Miss Stratton—" he said wonderingly.

"Come on, you two." A raucous voice cut in on his reverie. "There's your place."

The agent pointed over his shoulder to where, above the shoulder of the foothills a long two miles away, the tall, black stacks of an engine-house shot up against the background of the piñon-dotted hillside. Beyond that the bleak, unlovely skeleton of a coal tippie silhouetted against the brownish-green of the lower slopes.

Jim and Easy hurried to catch up with the crowd of miners. Of all that crowd they were the only two who could speak English. Obeying an impulse, Jim turned and looked back at the station.

The three men who had annoyed Miss Stratton were standing on the cinder platform watching the column of men as it filed away up the hill that led to the work-

ings. The dark man who had been the recipient of Jim's attentions shook his fist angrily at him.

"I wonder who they are?" he said reflectively.

"Probably some one tryin' to get a grip on the foreign combination. They've got a system of their own. They're neither to hold nor to bind. They don't care a damn fer law ner order ner nothin' else. Oh, it's a sweet country we've come to. They won't join the American Unions because they know damned well they'll be made to obey the laws. The nearest thing to their likin's is that damned I. W. W. Oh, I know their ways—"

"What do you mean?"

"They'll try to lay hands on all the Dagoes who came down here with us. They'll put the fear of the livin' God into them—if they can—till they quit work. Their brotherhood'll pay 'em three dollars a week not to work. We—you an' me—can't join no brotherhood because we ain't Wops. They'll just *tell* us to quit. It'll be first hollerin' names at us; then throwin' things at us; the kids doin' that when the men are around. After that it won't be safe fer you an' me to leave the Company's land. An' then—Oh, yes! an' then it'll be warm weather an' I reckon I'll be huntin' a new job down South somewhere where there ain't nothin' but Mary's little lambs to hurt me. A job at sheep herdin' wouldn't be bad. Eh, pardner?"

"Jim's lips set. He had met men of Easy's stamp before. He knew their philosophy of life; always to follow the line of least resistance, always giving way.

Had he himself been any better in the past? The thought flashed into his mind and it cut like a whip-lash.

Suddenly he turned. The three men had followed the column of new workmen up the road, and their shadows



fell dark and threatening across his path. Already they were alongside him.

"Keep off! Sheer wide."

Jim's voice was low and threatening.

The leader of the three brushed as close to him as he dared. Then, turning into a little side trail where vague, unclean, soot-spotted cabins dotted the road-side, he broke into laughter.

"Stick to your bloomin' Dago friends, you rotten Scab, an' don't talk to a white man," and followed by his two grinning companions he disappeared up the street.

Jim did not reply. Was he a "scab"? He wanted work and another chance, and he worded the thought to himself as he breasted the slope.

"I've taken this job in good faith," he said to Easy, "and I'm going to stick to it till a better presents itself. I don't mean to be driven away by any one. What are they striking for out here any way?"

Easy looked about him carefully before replying.

"There're two sides to it," he said slowly, as he tramped along in the dusty wake of the party of miners. "Most people says there's three sides, an' some kin even find four. It started twenty years ago up in the Cripple Creek country. That was before the days of the Union. It started by loose fish pinchin' high-grade ore offen the ore-dumps and at the clean-up. Of course that was in the gold country. Then the legislature passed a lot o' laws that made minin' more expensive. When the demands fer shorter hours and higher pay was made, the gold mines could stand it because gold always commands a standard price.

"Coal don't. The price of coal is regulated by demand. Then the mine owners took to runnin' in cheap labor. They was always foreigners. Any white men

that come formed their own union an' stuck by its laws. The foreigners was different. Well, the time came when there was more foreign labor than white—I mean English-speakin'—an' the Ginnies an' Dagoes began askin' what they said was their rights. That ain't the real cause of trouble—"

"Get down to cases," said Jim grimly. "What is it?"

"What would you say if you was practically told by a lot o' men that they wanted a fixed price fer their work an' that you shouldn't work fer what you thought was fair?"

"I'd tell 'em to go to hell—"

"Exactly. S'pose then they wouldn't go an' they warned you to look out fer trouble. Same trouble bein' seein' your house go up in smoke some fine night; seein' your cow, if so be you own one, shot from cover?"

"Who—?" Jim spluttered. "Who—dares do that?"

"Where you been livin', friend?" inquired Easy.

"Africa, South America—"

"Ever hear of the Industrial Workers of the World?" asked Easy.

"Just the name—"

Easy spat. "Well, that's enough. Here come them three friends o' your'n. They picked up a fellow from that crowd yonder. Wonder who he is. He looks better 'n the comp'ny he's keepin'."

The man came forward. He was tall and well built, and his face was that of a kindly, well educated man. His manner was quiet.

"I'd like to speak with you two fellows a minute."

Jim walked over to him, Easy following him. The rest of the imported laborers stopped in their tracks, oblivious to the imprecations of the employment agent who openly feared their defection.

"My name's Ryan. I came down here from Denver

a few days ago. Are you all Colorado men—you two, I mean?"

"No—"

"Minin' men?"

"Yes—why?"

"Do you know that you've come to the worst hole in all Colorado? I mean what I say. Don't grin till you hear me. I'm a Union man. We're tryin' our damnedest here an' all through the State to make Capital an' our own men realize that the biggest card this country holds is to get both Capital an' Labor to play the same hand. The only way to do that is to get these loose foreign labor brotherhoods under some form of law. As they stand they're responsible to no one. They don't talk American; they don't think American; they don't care a damn for any single thing but to do their own sweet will an' then to go back to their own land with all the money they can make. Call that fair?"

"No, I don't—"

"Wait. Even that ain't so bad. Them that stay an' absorb American notions an' ideas we're one with. Sooner or later they'll come around. It's the others—the men who never will come 'round, who will never make Americans—that we're after. Got any notion what becomes of them—?"

"No—" Jim looked at him wonderingly.

"They're right down there." Ryan pointed to a group of men gathered at the end of the street where Jim saw the men who had annoyed the girl, standing with them. "They're like tinder ready fer the fire, an' they've got with them people who're ready enough to put fire to 'em; if we can't stop 'em—Will you help us?"

"How—? I'd do almost anything to help in that."

"I want you to quit work here. The one thing that can help here is to make this mine shut down till the

fool who owns it sees the danger he's startin'. Not for himself. Darn his hide! I don't care a whoop in hell for him. It's the—well, I'm thinkin' of somethin' bigger than him—"

Ryan did not say—embarrassment shut his mouth—that like many of the big labor men he was thinking of the future of the country entirely separate from his own welfare. He knew well enough that the one safeguard for all men was that which he advocated; that the one big danger for any community is having in its midst a loose mob of unruly elements who own allegiance to no power. And he knew too that right in their midst was an organization, if it can be so called, which would not hesitate to utilize any force to upset the laws that have been framed and formed through a thousand years of struggling.

"They've got twenty different forms of so-called Unions here," went on Ryan. "They obey no one. They terrorize the county. They're absolutely dominated by one or two men who ought to be in jail. They will be too if they get what's comin' to 'em," he said grimly. "The one thing that can stop this, is for the place to be compelled to shut down till they come to some agreement with us. Will you—?"

"I'm sorry, Ryan. I'm more than sorry, because I believe every word you've said, but I too have got to live. And I can't live unless I eat. And I can't eat if I quit right now. I haven't got a trade, so I can't join the Union. I'm an Engineer. I can't fight any battles but my own."

"You bet you can't." His opponent of the train pushed up close, secure in the backing of a party of strikers who had followed him. "You've got troubles of your own all right or my name's not Bodart. I give you exactly three days to quit an' come out o'

there. I got nothin' to do with you—" He turned furiously on Ryan. "But if I find you messin' in with my private affairs there'll be all kinds o' hell break loose, and don't you forget it. I know what you're aimin' to do, to start up trouble here, an' I mean to see that you—"

The gate of the mine enclosure opened and interrupted him. The agent, openly fearful lest his men leave, stepped among them and fairly pushed them through the gate.

"Here you are! All you Ginnies! Polocks! Wops! Pike on inside there if you want the grub an' the money I been promisin' you. Now then, inside with you if you want all you've been told. There's grub an' money. Savvey? Grub an' money."

He rattled the loose change in his pockets while the men crowded slowly through the gates, just escaping a shower of rocks thrown by Bodart's men as the gate closed behind them.

Jim and Easy entered last.

"What's the name of this place?" asked Jim of the agent.

"Calderwood. The mine belongs to Graves. Drake's the Superintendent."

"What's the name of the Pit Boss?"

"Mike Stratton. Why?"

"Oh, nothing."

Jim smiled. He was thinking of a glorious pair of blue-gray eyes.

## CHAPTER III

### JIM LOFTON THINKS FOR THE FIRST TIME

WHARTON'S agent led the party straight to the office, a small red-painted building that was set well back from the road. 'About three hundred yards beyond it the tippie towered high above the tracks. A dull clank and roar drifted down. It was a confused mingling of sounds, the harsh grating of steel, the tense whispering of fiber ropes, and a duller, lower note of wood rubbing against wood, as countless tons of coal carried by the iron cars straight from the drift of the mine were shot from the tippie into the waiting cars below.

Lofton looked about him. He was intensely interested. Himself a mining man, he felt that he had come into his own again, though coal was new to him. His experience had been confined to the mining of the precious metals. But from the very first, coal mining had made a peculiar appeal to him, to the solidity and squareness of his nature. Gold, says the miner's axiom, "is where you find it;" silver is a matter of luck. On the other hand, nothing is simpler than coal mining, nothing more direct. In no other business is the machinery simpler, the methods more direct, especially in such a country as the Colorado coal fields, where the levels lie as though specially placed for easy handling.

One by one the men were called into the office; one by one their names were placed upon the rolls, and they were told when and where to report for work. When they had been all attended to, the timekeeper called

Jim and Easy back as they were about to leave the office.

"I don't suppose you two want to bunk in with them Ginnies over yonder. There's another house that you can have if you want it. It's the same size as the others; two rooms and a kitchen; runnin' water too. It'll be ten dollars a month. Want it?"

Jim looked at Easy, who nodded.

"Any boardin'-houses in the place where we can eat?"

"One—if you call it that. They can't cook much and they charge all kinds o' fancy prices for burned coffee an' raw bacon. Better bean yourselves. It'll come cheaper an' it'll be just as good—er bad."

"All right. Much obliged."

"You get your outfits over at the store. You'll have to use carbide lamps. The Company don't allow oil. You buy the lamps an' carbide at the store too. It'll cost you fifteen cents a pound."

"That's the beginnin' of it," growled Easy. "Carbide costs ten cents a pound every other place."

"First kick, eh?" remarked the timekeeper affably. "You might as well save your breath. You'll need it when you all start work to-morrow."

"That's so. By the way, while we're speakin' of kicks, do we get a check-weighman?"

"If you want to pay for him yourselves. There'll be only the two of you who'll want one. The Ginnies don't know anything about check-weighmen. If you all put 'em wise, it'll cost you your jobs. See?"

Easy nodded soberly.

"What do your car weights run behind the tested weights?" he asked soberly.

The man laughed, pushed his cap further to the back of his head and said nothing.

"If I take out two thousand pounds of coal at the

heading, what does it weigh when it gets to the tippie?" insisted Easy.

It was a question to set any miner's nerves on edge. It is not reassuring to know that when you have brutally abused your body for ten hours, bruising knees and elbows and bending the back and shoulders till the strained muscles well-nigh fail to respond, in getting out two thousand pounds of coal, that the Company weighman at the tippie scales, which are supposed to be tested by a State official, credits you with a scant fourteen hundred pounds.

Sporadic efforts have been made from time to time to better this condition of affairs. The Mining Laws of Colorado passed in 1910 were compiled from the laws of older states which had seen years of the same abuses and had endeavored through years of experience to eradicate them. These Colorado laws had tried to remedy matters and had provided specifically that on the request of twenty or more men who have worked for three months in a mine, a check-weighman of the men's own choosing shall be appointed; his wages to be paid by the men themselves. When an organization is honestly considerate of its employees' welfare, this is frequently done, but it has happened quite as frequently that when these twenty or more men unite to request the services of a check-weighman, they find themselves, by some odd coincidence, out of a job after the next pay-day. And when that once happens, they discover that they cannot secure employment at any other mine. They have been black-listed by employers.

The Southern coal fields of Colorado cover about eleven hundred square miles. Except for the mines, the land is worthless because of the lack of water which would have transformed it into a veritable paradise. This very lack of water also operates to make mining difficult.



Many accidents arise from so-called "dust explosions" which could be prevented if water were available in any quantity to wet down the dust in the mines. Unfortunately many of the mines are situated on the very tops of the mountains where the water even for drinking purposes and for supplying the boilers has to be hauled long distances from valleys that are miles away and cannot supply an unlimited amount of water. Being the smaller mines they can least afford additional expense. At the very first trouble therefore they are compelled to shut down and suspend work, making employment at that mine in the future a matter of speculation.

The Calderwood Mine was owned by Benjamin Graves. It was listed as a Company and was incorporated as such. In reality it was owned and operated by one man. It was one of a score of similar concerns situated in Green Cañon. One above another they lay along the rock-brown slopes exactly like gopher holes. Above ground, their entrances and tipples scarred the hillside as far as the eye could see.

When it is realized that each of those operators having leased the land from the State, pays to it a royalty of about ten cents a ton for all coal mined; that they pay about sixty cents a ton to each miner, and that the output from the mine is very frequently crippled by strikes and by demands whose settlement takes months of arbitration, it can be seen that Capital has good grounds for resenting any action that tends to still further hamper them or to still further cripple their business.

Then too, the mines, especially the small ones, are generally far away from commercial centers. Any accommodations for the men must of necessity be in the immediate neighborhood of the workings, and, as all the

land in the neighborhood of mines has been leased by the Mining Companies, the required houses for employees must be erected on leased land. Many complaints from men who have lost their positions are based on the allegation that, after losing their jobs, they have been ordered to vacate their houses and that they have no other place to place their families.

To evolve a solution satisfactory to all would require a Solomon. No wise employer would willingly keep as a tenant in his own houses men who had been discharged "for cause." Nor would any sane man with a healthy desire to run his own business allow his time to be taken up in futile discussion of ethical principles which should be rather the subject of legislative action.

The logical solution of this would appear to be recognition of the Unions and employment of men only through recognized channels but—the Capitalists say that they cannot afford to employ men whom they cannot discharge if the occasion demands it.

This much for one side of it. Jim Lofton heard enough about it in time to come. He also had occasion to read what was written on the miner's side of the shield, and what he found there was in direct contradiction to the claim of the mine owners.

The Union man points to the twelve-strand, barbed-wire fences; to the heavily armed mine guards who are placed to keep all employees inside the Company fences except the selected few who have written permission from the Superintendent to leave. This permission is only given for short periods of time. Even then, the men who leave are not allowed to take their scanty belongings with them.

They point to the armed guards who patrol to the very porches of the miners' boarding-houses; to the Company Stores where exorbitant prices are charged;

to the Pay-master's Department which pays frequently in "script" on the store, which in turn charges World Fair prices for everything and which, if it be requested to give cash for the Company's own script promptly discounts it. They point to the exceedingly high house rentals asked because these houses are the only ones available for the miners. They call attention to the well known grievance of "black-listing," done in frank defiance of the law. And they ask pertinently how they are to get redress unless their organization is strong enough to obtain it for them.

Between Capital and Labor, the Upper and the Lower mill-stones, lies the mingled grain and chaff; the men like Jim Lofton and Ben Easy, who wish to work but who find the conditions of their work-day life unbearable under purely Capitalistic conditions. These men are the grain. There is much chaff; that worthless trash that clutters up the machinery and that must in time, if it be not sifted out, reduce the finest mill to a junk-heap. This chaff is not composed of the native-born Americans nor of those who came to this land with a desire to profit by what other men have established in law and order and decency and good government. It is composed of the ignorant, shiftless hordes that are daily dumped upon our wharves at Castle Garden and other places along the coasts.

There is a solution. There is a solution to every problem if men will only seek it in a spirit that is free from every taint of personal gain. It is the seeking for personal aggrandizement that is the cinder in the eye that causes obliquity of vision. Four years after Jim Lofton had lived through these scenes he was to see the solution; though even then men were not at first to recognize it as such.

He was to see the entire country, all personal desires

laid aside, all petty struggling and ambition pushed deliberately into the background, fused into a common mass, instinct with National Life; alert, keen-faced, striving with all its American common-sense and acumen to conquer and destroy greed and lust and lawless power.

All this he was to see.

And first and foremost in it all, looming above and through the mists of doubt, he was to see the twin figures, Labor and Capital, standing shoulder to shoulder, facing together a world in arms. And then, that trouble over, was to see them, still together—

“Turn a keen, untroubled face  
Home to the instant need of things.”

There lay the solution. So long as those two stood shoulder to shoulder, the foundations of the Republic could not totter. Both were American.

Easy repeated his question, “How much’ll my coal weigh at the tippie?” and again the time-keeper pretended not to have heard, for the very good reason that he could think of no satisfactory answer. Well he knew that the reply that would satisfy the foreign miners would by no means satisfy this tall, up-standing American whose very look spelled fight. And the other, though obviously of a different stamp, was as plainly not a man to take rough handling without a murmur.

He slowly winked one eye. Easy winked back. Jim watching them thought that in this exchange of winks lay a whole history of American economics.

The two men left the office and went over to their little house, a primitive affair built of unpainted wood without a cellar, where they spent the rest of the day getting their simple arrangements for house-keeping perfected. A small stove stood in the kitchen. Cooking utensils and blankets they purchased at the Company

store. The bill proved the claim of the strikers that exorbitant prices were charged.

Neither of the two being a qualified cook, the first supper could hardly be termed a complete success. Jim tried his best to fry some beans. The result was an unappetizing mess offensive to both nose and palate. They supped on canned things, known locally as "air-tights."

"I've cooked before," observed Jim; "but I never knew you had to work so hard to spoil food," while Easy, who was wrestling with the stove in a futile attempt to boil coffee, remarked succinctly that "The damn thing had no more idea of drawing than he had of preaching."

"There!" he said finally, lifting the pot from the stove. "There's coffee—of sorts—an' the canned beans is all we kin ask. God bless the man who first invented air-tights."

"He made the success of the West possible," agreed Jim. "If we'd had no air-tights there'd have been no settlements west of the Mississippi. Now for a smoke."

They lit their pipes and in the clear Colorado air, with the great Spanish Peaks looming high above the western horizon and the dim range of the Sangre Christo—Blood of Christ—mountains bulking big and blue above the sky-line, they watched the sun go down in a riot of color.

"Gad!" Jim whispered, half to himself. "Those colors would make an artist drunk with envy. Opal and umber and dun and red and green and gray and blue. And this is the land for which we worked and sweated.—God, how we've got to work to keep it!"

Unconsciously he voiced the opinions of thousands; thousands of men of Anglo-Saxon stock whose people had dared Indians, thirst, famine, death by fire and flood

and drought to find and make this land a White Man's country past disputing. To this land had come countless other thousands whose souls were aflame with the universal light of Liberty which knows no single land; who had come animated by the same desires. Unfortunately along with these had come, too, a very large element which did not speak the language, which did not desire to speak the language nor to absorb any American ideas. They only desired to set forth the half-baked ideas the seeds of which they had absorbed in the Old World. Liberty was freedom. Karl Marx had said so. And Freedom meant that the individual was free to seek his own development in the way he chose. Law was a figment of the imagination unless backed up by irresistible force, conceived and established by the Strong for the suppression of the Weak. When the Weak should become Strong, the figment of the imagination would pass like smoke across glass and each man would be a law unto himself.

The burning question was: Should this element be allowed in the future to enter the Land and spread itself abroad like some loathsome disease throughout the body politic? It was there now. He recognized it in the drunken shouts of revelry that rose from the tents outside the fences of the Company's grounds.

There was a noise on the porch. He looked out.

"That looks like Ryan. I wonder how he got through the fence. Come in," he said softly in answer to a knock on the door. Ryan entered.

"Sit down, Ryan. How'd you get in?"

"By playin' snake an' flea—" Ryan grinned at Jim amiably.

"How's that?"

"—"

"A snake travels on its own belly an' a flea ain't so darned particular. I traveled on my belly an' wasn't

particular. I'm aimin' to have a little talk with you two fellows. Are you minin' men?"

"We are. That's straight. Easy there's a miner. I'm an ex-engineer out of a job. That's why I came down here. We have to eat, you know."

"I know." Ryan nodded gloomily. "It's damn poor pickin's here for you. Do you know that a man can't raise a family here? Do you know that there's just seven schools in over two hundred mines where men can send their kids to school? What kind of an agreement did you two sign, up in Denver?"

Jim got up and went into the room, reappearing presently with a small leather pocket-book. He took a paper from it and read slowly.

"First of all, there's the usual beginning that tells how much the Company will pay for the different kinds of work—"

Easy sat up and listened attentively. Jim had glanced through the agreement before signing. Easy had signed it without reading.

"You see their statement makes a day's work average four dollars and fifty cents," said Ryan crisply. "An' it says that you'll average over a hundred dollars a month—"

"Exactly. That was why we came—"

"That statement is true as far as it goes—As far as averages go."

"Well, then—"

"Wait! You won't work an average number of days in a month. There'll always be delays in getting cars in to you in your room. There's always delays too about gettin' the entries cleaned up so you can haul the coal out. If it ain't that, they won't give you your timbers on time so that when you figure up your pay you'll find that instead of gettin' four dollars an' fifty cents a day—

"You'll work twenty-six days this comin' month an' you'll git somethin' less'n two dollars a day for it. That's what I've found is true in workin' for these small mines owned by one man where they import foreign labor."

"Do you mean to tell us that—" Easy broke in excitedly.

Jim cut him short. "Let Ryan finish, Easy," he said.

Ryan went on:

"You get no check-weighman. They'll cheat you at the tippie. If you leave, you'll be black-listed with all the other mines—if you stay—them men with Bodart'll see to it that it's unsafe for you to stick your heads outside the gates—I'm only tellin' what I've seen."

Jim whistled softly.

"What does the rest of that agreement that we signed, say?" demanded Easy.

"Oh, not much! We agree to re-pay from our first pay, the price of our ticket down here—That goes to the Agent—We pay at the rate of five dollars a pay-day till it is all paid for—There won't be much left at that rate. What's the matter with you, Easy?"

Easy had risen. His face had turned dark with anger and the veins stood out upon his temples.

"Look here." He shook a threatening finger at Jim. "You read that agreement, didn't you? You read it fer both of us. You're an educated gink. You know all about contracts and—"

"Stow it," said Jim good-naturedly. "I did read the agreement—none too carefully I'll admit but—You've been at this game before. You ought to have known what to expect."

The force of the argument struck Easy. He smiled rather sheepishly.



"That's right, Partner. They're on me all right. But"—again his ill-temper surged up—"I've been stung before like you say—I know all about them rotten scales an' the way we git stung at the weights; an' the way them blood-suckers fire you when you stick up fer your rights—sure! That's all right—I'm lookin' fer that—but what of the rest that Ryan tells us about? What about the delayin' of the cars? A miner's money hangs on his gettin' cars. How about their delay in cleanin' up the entries? How about us not gettin' our timberin' on time—You can't work without timberin' up your roof an' you can't timber up your roof if they hold out timbers on you—Oh, yes! I've been bitten before but never by such a poison-toothed dam' reptile as this one—"

He swept a comprehensive gesture toward the entire mining property and turned to Ryan.

"How can you leave this damned place?" he demanded.

"The same way I got in; by playin' snake an' flea like I did. How about you, Lofton? Ain't that your name?"

"Yes. That's my name. I think I'll hold on for a little while. It's only fair to give them a trial. You wouldn't like a fellow to throw off on you on the unsupported statement of a stranger, would you?"

Ryan rose, evidently greatly perturbed.

"Well—I've told you the God's honest truth. You believe me?"

"Certainly I do. See here, Ryan! That scut Bodart was on the train. I stopped him from being impertinent to a young girl. I understand that he is head and front among the strikers that you can't handle. Is that correct?"

Ryan nodded soberly. "I can't tell you any more'n that," he said seriously. "But he'll be brought to book when he goes too far. He's—" He nodded again and sank into silence.

"Well—he'll do me any dirty turn that he can, of course. I'm not going to give him a chance. I'm going to try my hand at this work because I've got to do it to pay my debts. I've mined gold and silver before but never coal. I've worked in South Africa where methods are very different from what I see here. I've got no string on Easy and I'm not preachin' but it seems to me that when I've accepted the price of a ticket to come down here, it's only decent to work long enough to pay that money back. When I've paid it back if I find that things are as you say—I'll strike in with you. Is that enough?"

"It's more than enough," Ryan agreed heartily. "An'—I think a lot more of you, Lofton—" He stopped in an embarrassed way and turned to Easy: "How about you, Stranger? What'll you do?"

Easy answered him from the inner room.

"If you wait a minute we'll see whether two can't play that game of yours. I'm with you."

He came out of the room with his newly acquired blanket that was not yet paid for across his shoulders and turned shamefacedly to Jim.

"I don't like to leave you this way, Lofton. You've been mighty square with me an' I won't forget it. That man Bodart's sure got it in for you an' that's a fact. I'll watch him an' I'll never forget what you did fer me when I needed it. But from now on I'm for those men outside there—" He motioned to the far side of the fence.

Ryan looked at him keenly for a moment.

"There's two sides out there too, my friend," he said,

"You want to be darned sure that you don't pick the wrong side. Mind your step."

"Good night, Lofton—" Easy thrust out his hand.

Jim shook hands. "I don't blame you, Easy. God knows I blame no man when I myself can't say what I'd do if I were in his place. I don't see it quite as you do. Good night, Ryan."

He stood and watched the two men stealing softly down the darkening cañon, past the tippie and the long, gray culm-banks that stood up in silhouette against the mouth of the gorge; out past the last little line of the tiny houses till their figures had faded away in the gray dusk of the evening.

He sat down by the window and looked long into the night that was covering hill and valley in a cloak of black picked out with gray and silver; into the serene, indifferent coolness of the hills that was so utterly oblivious to the desires and avarice of man.

The moon rose from behind a cloud-bank, pale, dispassionate, haggard, like the ghost of a dead sun. And still he sat there thinking.

Loneliness crushed him like a weight.

## CHAPTER IV

### THE HERO FINDS A PARTNER

HE was up the next morning long before dawn and while the valley was still waist-deep in clammy, whitish mist. Preparing and eating his breakfast took him but a few minutes. Then, stowing a gigantic sandwich in his dinner-pail along with nearly a quart of black coffee, he filled his lamp, took his tools and headed for the pit-mouth.

Dawn was slowly breaking in a sort of coppery glow but already men were leaving the boarding-houses that squatted on the bleak hillside like ghostly, unclean goblins. They were picking their ways stumblingly among the culm piles that marked where coal had been dumped from time to time. At the engine house that stood near the shaft where the cage ran up and down to take men to and from the lower levels, the little plumes of white steam shot out into the frosty mountain air, showing that the engineer and cageman were ready to drop the miners to the drift six hundred feet below.

There were other seams of coal above the vein that the Calderwood was working, but the engineers had found out, after a deal of experimentation, that it paid better to drop to the six-hundred-foot level. The coal was better, the seams running from four feet to six feet and a half in thickness and the dip of the coal changing very materially.

Jim walked along rapidly. "It's a cinch that handling a breast-auger's going to be strange to you." He

addressed his hands whimsically. "But once a mining man, always a mining man," and he looked about him with deep interest.

Catching up with a group of workmen, one of whom had a smattering of English and who seemed to be intelligent, he picked up a mass of details about the Calderwood which he later on pieced together. While in the Southern fields of Colorado, he learned, the coal strata lay on a nearly horizontal plane, making the work very simple, toward the western part of the field the seams were found in a nearly vertical position, which made the mining both difficult and expensive.

In an ordinary drift mine there is simply the drift or entrance, which follows the coal seam, with lateral entries that lead from room to room in which the men work getting out their coal.

All the new work must be carefully timbered up in order to keep the roof and sides from falling in on the workers. This is done with logs about six inches in diameter. In the main drift and in the entries this work is done by the Companies. In the smaller entries and in the rooms the work must be done by the miners who are assigned to work there. They get their timbers from the main entrance where they are deposited ready to hand by the Company.

Jim paused at the pit-mouth, glanced at his brass check, his personal number which read "89," hung it on a correspondingly marked nail on the check board and was about to enter the cage with the group of other miners when a man stepped up to him. He was a tall, bent old man. His face was deep-lined but his blue-gray eyes shone and twinkled with the light of youth that all his fifty-five years had failed to dim. It was a good face and a strong one.

He touched Jim on the arm.

"What's your name?" he asked quietly.

"Lofton." Jim looked surprised.

"Did you come in here last night?"

"Yes. Why?"

"M-hm! Where is your partner?"

Jim hesitated. He did not want to say that Easy had already quit in the abrupt manner that he had but those steady blue eyes bored into his.

"He's quit," he said shortly.

"M-hm! I thought so. Why didn't you quit too? I know you was asked to? Hey! Why didn't you quit too?"

"Yes. I was asked to. I didn't quit because I didn't want to. Not yet."

"Had any experience in minin'?"

"Yes. Gold. No experience in coal."

"That's all right. It's easy to learn. I'm the Pit Boss—My name's Stratton—Ever heard it before?"

Jim nodded, his eyes fixed upon the face of the elder man. He said nothing. Stratton apparently liked his taciturnity.

"You helped my daughter yesterday when she needed help. She told me. I ain't much at talkin', Lofton, but I'm aimin' to say that the man who helped my little girl's got somethin' comin' from me. That man Bodart's a cur. Some day I'll square affairs with him in a way that he'll like least but not now—not now—oh, Serafini!" he called to a burly Italian who stood by the check-board.

"Serafini, I'm goin' to put you with this man, Lofton, in room two hundred an' seven. You're two good, husky fellows. You ought to find it good workin'."

"Me in Eighteen now along wid Pena—"

"Aye! I know! I'm shiftin' Pena to work in the timber gang. You know two hundred and seven?"

“No. Me not know—”

“It’s all clear top-coal—”

Serafini’s eyes lit and he showed a manifest desire to kiss some one—Jim for preference.

While there were many good rooms that the strikers had left but partly worked out, number two hundred and seven had the reputation of being by far the best. The miner always seeks top-coal. It is the coal which stands out clear and distinct along the walls of a room. The cars can be run close to the walls and the blasts so placed that when they are fired the coal falls with its own weight direct into the cars. It gives a maximum of results with a minimum of labor and expense.

Here a miner has only to bore his holes, place his blasts and when he goes out to dinner or at quitting time, to notify the shot-man who fires the blasts, after which he passes out his cars ready loaded to have their weights checked up at the tippie. Seldom does it happen that new men are set to work on mining top-coal.

Serafini evidently attributed his good fortune to his association with Jim, for he smiled upon him in a manner so comprehensive as to include all the known world.

“Pena—” He fairly chuckled over a joke of some kind. “Pena? You know Pena?”

“No. Why?” Jim found himself grinning from sheer good-fellowship.

For answer Serafini closed the second and third fingers of his right hand and clasped the thumb so that the fore-finger and the little finger alone were extended. It was the sign of the Evil Eye. He smiled conclusively.

“Him got it. One day Pena drop pick on him foot—Other day him hit head on big rock. That in otro room—I make um fuss. Not want work long Pena—Bad luck—Now you come worka wit’ me—I tell you dat good luck—maka da mon’; work de top-coal—me—I

say it. Ain' me Serafini—de bes' Italiano dis sida N'York—Not?"

"Sure—Come on, Serafini—" Jim smote the big man between the shoulders and the delighted Serafini followed him into the cage.

"I want to see you at noon, Lofton—"

The old man's words dropped down the shaft after them as stones drop. Jim nodded and waved his hand as the rocking cage shot them down through six hundred feet of black space with the tiny blue spot of sky growing less with every foot that they dropped.

"Me no lika de daylight. More better worka da mine. Out-side—Huh. Out-side man getta hot in de sun; getta col' in da snow; getta wet in da rain—More better down here—no getta col', no getta hot, no getta wet—no getta striker wit' rock—hey?"

He punched Jim jocularly in the ribs as the cage shot down to its resting place on the solid floor timbers.

Jim looked about him. In the distance he could see dimly the twin line of rails running up the drift, occasional sparks moving here and there, gnome-like, like the scene in the cave of Wayland the Smith, showing where other men, just as intent as he on earning a living, were already starting in on their day's work.

Their room was a hundred yards up the track where a twenty-foot entry swung to the left. Piles of timbers lay ready to hand along the track and several empty cars standing on the rails inside the room gave Jim heart of grace. At least there would be no delay now for lack of cars, he thought. There were at least two clear days of uninterrupted work ahead of them.

Serafini, whistling softly, took their two dinner-buckets and placed them carefully on the floor to the left of the entrance. Then he passed slowly around the room scrutinizing it from every angle. It was a large



room and the clear-cut seam of coal stretched before them shining with what seemed at times an evil, black light as the flame from their lamps struck on a flat face.

"She measure six foot clear," he said delightedly, holding his hand above his eyes. "Look! We place-a de shot here—An' here—An' here—"

Slowly he moved along the rock-face, indicating by little taps of his pick the spots where he intended to place his blasts.

In the old days, even ten years ago, two men working such a room and such a seam would have done it in a very different manner. Jim, as the newer and younger man, would have held a hand-drill against the coal, turning it after each stroke that his companion would give it with a heavy sledge. When the hole had been laboriously drilled to the end of his drill, he would have substituted another longer one. This would have been repeated till the hole was the required depth.

Things were very different now as he found when he saw Serafini place the point of his breast-auger against the spot where he wished to place his shot hole and slowly begin to bore, leaning heavily forward against the auger in order to give it weight. Having started it, he laid his auger to one side and picking up a long timber wedged it deftly at top and bottom so that it formed a prop for his auger. This eased the pull of the tool. After he had arranged matters to his liking, he proceeded to bore the hole.

It was not easy work. The room was one of the best in the mine but, as Jim presently found, it was wet. The floor sloped away to the main drift, where a great "sump" was placed—a pit that caught the water dripping from the roof and the rock-faces of the walls and that held it till it was sucked up to the surface by the great pumps working above the entrance of the mine.

Hour after hour they worked; leisurely enough, for there was no need for haste. Hurried work would dull their tools and that would mean more smith work at increased cost. Then too that great mass of soft, easily worked coal would last them for many days.

"When we go outa da night we tella da shot-man 'All right, come in to-morrow getta da coal,' hey? You good fella, Lofton. Some day you come see my casa. My woman maka da buon chuck wit' da Lucca olive an' da Palermo *quesa*. You know him?"

"Sure." Jim grinned affably and tossed him his tobacco sack. "You came from Palermo?"

"No. *Me di Napoli*. You see it—?"

"Si—" And Jim jabbered away in the few words of Italian that he had picked up in tramping the world. The other's face lit under the grimy sweat that was trickling into his eyes.

"Mo' better we quit now an' eata da chow—"

"I should say so," a voice broke in. "If them strikers outside knew you was workin' on a nine hour day they'd be raisin' particular hell. I want to talk to you, Lofton."

It was Stratton's voice. He had come quietly into the room and had stood watching them for several minutes before he spoke.

Serafini, with the innate courtesy of the Latin races, seeing that the Pit Boss wished to speak to his partner, busied himself discreetly over the dinner-bucket.

Stratton spoke briefly and to the point.

"Do you want a boardin'-house?"

"I surely do," Jim laughed. "You'd think so if you could taste some of my attempts at cookin'. I was never any good at it."

"Where'd you ever try it before?"

Jim's tongue was loosened. "California, Africa,

Chili, Venezuela—and I'm not a chef yet. Do you know a good place?"

Stratton smiled.

"I can recommend the place I'm thinkin' of. I've been gettin' my meals there for thirty years. When my daughter told me last night of your havin' helped her on the train—an' when I said that I'd seen a man answerin' her description pile off the train at the sidin'—well, the wife spoke up an' reminded me that there ain't a place here fit for a white man to live at now that our old men have gone. So Delia says: 'Take him in here, Mother.'

"It ain't everybody I'm takin' in, Lofton, and I don't know a derned thing about you, but I'll take a chance if you want to come."

"Are you sure I won't be in the way?"

"Sure you won't. We've got a spare room an' the board'll help us out a bit. Maybe it'll be a bit crowded now that Delia's come back with her school notions. It'll cost you thirty a month. I'll stake you till pay-day. What do you say?"

"What do I say? I say 'yes,' man, and thank you. You won't regret it. I promise you that, Stratton."

The older man nodded briefly as he replied:

"That's settled then? Move your dunnage over to my house when you come up. Adios, Antonio!"

He left. Jim took up his dinner-bucket with a lighter heart than he had had for days.

Back to work. He did not realize how rapidly the time had passed till Serafini laid aside his auger and picked up his empty dinner-bucket.

"Call him a day," he said gruffly. "We catcha da cage—Hey? Good worka da day."

For a moment the brilliant sunlight blinded him as

the cage shot them up into the daylight. It was a little after four o'clock and Jim, taking his check from the rack, hastily strode away to the house where he had spent the previous night.

It took him but a short time to pack his few belongings. He flung the pack over his shoulder and, stopping at the office where he told the clerk where he could be found, he walked up the hill to the little house where the Strattons lived.

It was a pretty place of the bungalow type, larger and standing farther up the hill than any of the other houses of the Company. Piñon-pine and scrub oaks backed it up and a little square of grassy lawn cut up with flower-beds showed an earnest attempt on the part of the Strattons to make the best of their surroundings.

Mrs. Stratton, a middle-aged woman who beamed at the world through a pair of the brightest spectacles Jim had ever seen, came to the door.

He introduced himself and she smiled pleasantly as she stood aside to let him pass in.

"You're Mr. Lofton, are you? Mike told me about you and so did Delia. I'm glad you came to live here. We'll try to make you comfortable, Mr. Lofton. I'll show you to your room."

She led him to the back of the house and ushered him into a small, clean room.

"You ain't got much, I reckon, if you're like most men. So you'll hardly miss the closet. There're nails on the back of the door where you can hang your clothes. You'll have to carry your own washin' water. Make yourself at home, Mr. Lofton. I'll have to run now, I see Delia comin'. Supper's at six."

She left hurriedly.

Jim too had seen Delia; had caught sight of the golden

gleam of her hair as she came up the low steps to the porch; had caught a glimpse of the lithe young figure with its promise of glorious womanhood.

As he turned away he caught sight of his coal-be-grimed face reflected in a small mirror that gave a greenish, distorted view of his features. He groaned.

"Good Lord! All the water in the world can't clean up this mess. I'll try a few buckets anyway. I can't meet her like this." And he sneaked surreptitiously out of the back door and got his water.

Just as he opened the door of his room he heard the clang of the supper bell and a clear, laughing voice—how well he remembered it—singing out, "Hurry up, Mr. Lofton, or Dad won't leave you a bite."

"Coming! Coming," Jim replied hurriedly.

There was a gurgle as he dipped his head into the basin.

## CHAPTER V.

### SOME CALCULATIONS ARE MADE

DELIA was standing at the open door of the little hall as he came from his room, her gray-clad figure topped with golden curls silhouetted against the opaline blue of the distant sky.

"Welcome, Mr. Lofton!" She swept him a little curtsy. "If I had known on the train that you were bound for the Calderwood I wouldn't have let you leave me in that cavalier fashion."

He laughed. "It's bully of your mother to take me in."

"Bully!" she mimicked him. "Dad and Mother are always doing bully things. Maybe it's for the Company's interest too, for I warn you that I shall keep a watchful eye on you both in and out of office."

"Office?"

"Yes, office! You don't suppose that Dad and you are the only two people who work in the Calderwood, do you? I'm private stenographer for Mr. Drake, the Superintendent. I have just finished my schooling," she ran on. "It's the first position I've ever had—yes, Mother dear,"—as Mrs. Stratton called to them from the kitchen—"we'll come right in," and with Jim grinning sheepishly at the odd little sensation that the word "we" had given him, she led the way to the dining-room.

The table was attractively set with plain white china, good plated ware in a square design and a few sweet

peas bobbing their heads above the rim of a green-glazed vase. The whole effect was bright and clean and simple and eminently desirable. "The spirit of the girl herself," thought Jim.

Somehow, looking at Stratton, grim, straight, proper, taciturn; at his wife, who resembled a plump, motherly, efficient sparrow, whose eyes twinkled humorously behind the concave lenses of her spectacles; looking at Delia, far better educated than her parents but one with them in her innate simplicity of mind and heart—somehow when he saw all this, a deep sense of happiness stole over Jim, a sudden realization of something worth striving to reach; of work worth doing and seeing through to the end.

He looked again at Stratton, whose face had broken into smiles at a remark from Delia. Yes, he thought, Stratton had worked all his life; he must have worked hard, for the accomplishment had been so great. And here was his reward, the tiny clean house, the wife, the daughter.

Jim enjoyed that meal as he had not enjoyed a meal since that ill-omened bet that had taken him from Venezuela to Mobile.

When supper was over, leaving the women to clear up, he followed Stratton out upon the narrow little front porch.

"How'd you make out to-day?" asked Stratton.

"Pretty well. Serafini said we'll be ready for the cars to-morrow night. He's a good workman."

It was not a question, but Stratton answered it as though it had been one.

"One of the best we have," he said, ramming down the glowing ashes in his pipe-bowl. "He's been makin' good money too. That's why them Wops outside are after him—especially him. Serafini's got the makin' of

a good American in him. He's sober, works hard, tends to his family an' minds his own business. Them Dagoes outside have been after him to join what they call their Union. There ain't no Union among 'em as a matter of fact. They're run by a gang of Wop political bosses an' they're owned by people up north. They've got a man down there now stirrin' up trouble—That's Bodart I was talkin' to you about, you know. The man who started trouble on the train. Serafini laughed at 'em. Then they tried to beat him up but the men they give the job to wasn't big enough." Stratton grinned reminiscently. "We had to take in one o' them strikers an' patch him up after Serafini got through with him. The other two ain't stopped runnin' yet—"

"Is he married?"

"Sure. All the foreigners are married! Did you find the work hard to-day?"

"Not so hard as I'll find it to-morrow. My back's a bit stiff."

"Aye. That's the pull of the auger. It'll get easier as you get used to it. Serafini'll keep you humpin'. He'll scale the biggest pay roll of any of the men."

"Where're you goin', daughter?"

Delia had come out upon the porch.

"I'm going to the store for some things. Sit down, Mr. Lofton." For Jim had risen.

Stratton looked at him curiously.

Jim longed to ask if he might go with her to the store but a second thought told him that it would be a mistake. He had not been taken into the Stratton household to be a cavalier to Delia. It might well cause comment. He sat down again and watched her as she walked lightly down the path and turned into the road to the store.

"Miss Stratton told me that she is a stenographer



here," he remarked tentatively as he refilled his pipe.

"Aye. She's just finished a course in typewritin' an' stenography at a school in Denver an' nothin' would do but for me to see Mr. Drake about her gettin' a place here with him. He was nice about it. Said he'd rather have for a stenographer some one he knew—Didn't want strangers about him while times are what they are."

"Hard pickin's for a girl, isn't it?"

"Oh, I don't know. You see I ain't a millionaire. All I've got is what I make. I've laid by mighty little an' what insurance I've got won't go far when I cash in. It's better for her to know how to make her own livin' even if she never has to do it."

"She'll marry," said Jim in a more positive tone than he had yet used.

"Aye. I s'pose so—when the right man comes along. I hope to God she won't marry a minin' man—an' who else is there? Who does she see? She's had four years at the Convent of the Sacred Heart near Philadelphia an' then this course in Denver. I only hope she ain't overeducated."

Jim started to laugh. Then he took another look at the set look in Stratton's face and thought better of it.

"You'll never be sorry for a single dollar that you spend on education," he said briefly. "I think I'll turn in. Good night."

"Think so? Well—Good night. I'll call you in the mornin' when I get up."

Jim found his way to his little room and in a few seconds was stretched out in bed trying to ease the aching muscles and tired sinews that clamorously called for rest. Sleep did not come for a long two hours, two hours during which he lay wide-eyed. A murmur of talk drifted in through the open window that gave upon

the porch. He could make out a word or two of Stratton's deep voice; then Delia's silvery laughter. Presently the sounds brought peace and he dozed off.

Stratton called him long before daylight had come to soften the hard outlines of the great ranges towering over the valley; and the sun was not fairly up when he joined Serafini at the mine-shaft.

That day was a repetition of the first but the work was harder. They toiled through the long eight hours that his aching back and loins told him were already far too long.

"We get cars to-morrow," Serafini grinned at him engagingly. "Got coal enough to load."

So that night they notified the shot-firer and later they heard the muffled roars that told them that their work had been blasted out and that a new kind of labor would be begun upon the morrow.

When they entered the room on the fourth day they found a line of "empties" standing on the tracks; little wooden cars holding a ton each, which they proceeded to fill.

These were passed out from the room to the main track up the drift, shunted up-grade to the cage where they were seized and hauled to the surface, run out upon the tippie and emptied down the chute. There the waiting cars of the railroad received the coal.

It would all have been intensely interesting could one have passed through all the successive steps, understanding each; but the unceasing grind and toil of the straining, back-breaking work repeated over and over again became monotonous beyond words.

This was very different from gold-mining, Jim thought. The spice of chance, the flavor of romance was missing. It was just grind and toil; toil and grind with the real interest centering on the scale-sheets of the

weighman at the head of the tipple where the day's work was tallied.

"Now you go to de office wit' dis. Getta de mon' an' pay bill at da store." Serafini handed Jim the check-sheet that the scale-tender had given him.

It showed as due Jim for four days, fourteen tons of coal at sixty cents a ton. His brows wrinkled with thought as he gazed at it. Presently he turned to Serafini.

"Haven't they made a mistake here, Tonio?" he asked sharply. The other shook his head.

"No! No! All time get same. Dey say dey no maka mistake at da tipple. We work four day—"

"Yes, but the operators say that we make four dollars and a half a day," retorted Jim. He thought of what Ryan had told him. Ryan seemed to have been right after all. "Four dollars and a half a day," he said, excitedly. "That's what they told me—"

"Si—me know—" Serafini shrugged his shoulders expressively. "But we work four day takin' out two-day coal. Dey pay us for coal—not for work—see?"

"You bet—I—see. And here's what I owe *them*—wait—"

Jim fished a bit of pencil from his pocket and figured for a moment on the back of an envelope. He shook his head.

"There's no gettin' away from it, Tonio. I'm a fool. I thought I'd be makin' a hundred dollars a month—"

Serafini burst into hilarious laughter.

"Heyah! Who playa da joke on you like dis? Who maka de big bluff wit' you—?"

Jim colored. "I did it myself, I reckon. I just figured it out all by my lonely. A hundred dollars! Hell! Look here—"

He held out the paper to the other who, scratching his

head as though to waken his powers of perception, read:

Credit 14 tons at 60 cents a ton.....\$8.40

Debit at Store

1 dinner pail.....\$ .50

1 lamp ..... .35

1 cap ..... .25

1 shovel ..... 1.25

1 pick ..... 1.00

½ breast-auger ..... 1.25

½ powder check ..... 1.50

---

Total .....\$6.10

“Gad!” Jim murmured. He remembered that he still owed the Stratton family for four days board-bill and that before the week was over he would have to go to the Company store to get other things on credit.

A dollar here for powder, another for carbides for his lamp, smith-work on his tools and what-not. At the end of the week, of the month, of the year, what would there be to show for his work? For his bunched, strained muscles? For his hands calloused and grained with rock-dust?

Work—Just the long hard pull of it!

Suddenly he smiled, for there came to him a sudden consciousness of all that goes with work. Stratton had found it. He wondered if he too would find it.

He said nothing. He simply stored that check-sheet away among his papers and for ten days he and Tonio worked as he, at least, had never worked before.

Still his expenses kept growing. Powder cost three dollars and there were various incidental expenses; the charge for medical attention which he had no occasion to use but which he had to pay for in common with every one else; smaller items too that swelled the debit side of

his little account to such a size that when he finally went to the office for his pay at the end of the month, his accounts, which he kept with the painstaking accuracy of the very poor, showed that after paying his debt at the store and his board-bill, he would have exactly seven dollars and eighty-seven cents on which to run till the next payday; for tobacco, books, laundry and the other necessities that separate men from beasts.

He whistled softly as the check was handed to him.

As he left the store after settling his bill, he saw Stratton standing in the road evidently waiting for him. He nodded as Jim came up to him.

"Mr. Drake wants to see you in the office," he said slowly. "I'll show you where his place is."

They walked together over to the little frame building where a sign on a half-open door read "Superintendent."

Entering in response to a loud-voiced summons, Jim saw the Superintendent sitting at his desk apparently engrossed in the study of a big blue-print spread out on the desk before him:

"Oh! It's you, Stratton! and—?"

"This is Lofton, sir. You wanted to see him."

"So I did. How long've you been with us, Lofton?"

Jim told him.

"The strikers tried to get you, did they? On the train, hey?"

Jim nodded, chary of words. The Superintendent smiled more broadly, the smile of a workman who finds good tools ready to his hands.

"How do you like inside work?" he demanded.

"Not a bit," said Jim frankly. "As soon as I can get back to my own line of work I mean to go."

"What's that?"

"Rock mining. Damn the coal! You can have my share of it. What do you want, sir, with me?"

Stratton stared at the tone. He had worked for other people so long that the iron had sunk into his soul without his knowing it. He had long passed the stage where he could talk to his employer as man to man and he looked wonderingly at Jim, who did so. The "sir" had very evidently been an after-thought, due to the sixty years that had whitened Mr. Drake's hair and was not in any way a tribute to him as Superintendent. Stratton recognized it as class calling to class.

Drake smiled even more broadly.

"I sent for you," he said slowly, "to tell you that, thanks to our friends, the Dago strikers having set fire to the Campbell tippie just above us in the cañon last night and to their having held up some new men who were on their way here to work, we have decided to put in some extra mine guards. Stratton specially recommends you. We pay seventy-five a month and you board yourself. Want it?"

Jim drew his breath sharply. Mine guard! Seventy-five dollars a month. It was the beginning of another chance—another chance to weave a new pattern in his life. It was a fighting chance in more than one respect. He grinned at the unconscious pun, for he had heard enough from Serafini and from Stratton to make him realize the brutal reason why a mine guard in Colorado, a land ruled by the equitable laws of Democracy, must go about armed to the teeth.

"Yes, Mr. Drake," he found himself saying in his deep, slow voice. "I'll take it. I won't bind myself to it though for any length of time. That is understood. When do you want me to start in? I ask because I am working in two hundred and seven with a man and I

want to help him out to-morrow so he'll have time to get a new man to work with him."

"That's all right then. Report to me at noon to-morrow. Good night, Stratton. Good night, Lofton."

Drake evidently regarded the matter as closed. He bent over his map again as the two men left the room.

They passed out into the yard. Dusk with its deep, trailing shadows had fallen, emphasizing the crushing loneliness. The machinery had stopped its whirring, clanking riot for the day. Silence was everywhere, massive, tense, heavy brooding silence. Only the red lights twinkling in the cottage windows and behind the fly-blown window curtains of the boarding-houses spoke of life—life, with its hopes and desires, its loves and hatreds.

Jim who had been thinking hard, faced his Pit Boss:

"That was mighty white of you, Stratton. That's all I want to say. I won't forget it—"

Suddenly he was silent. He stiffened in his tracks like a setter on a bird and pointed to the cage-house looming up in the dusk, big, inert.

"Who's that over there?" he whispered.

Stratton's gaze followed the direction of Jim's finger-thrust. He gazed. Then he laughed.

"There's nobody over there, Lofton. No sane person'd be monkeyin' around the cage at this time o' night. You're sure qualifyin' for your new job as mine guard. Come on home to supper."

They walked slowly down the little path, past the long trestle that jutted out from the hill-side into the night.

## CHAPTER VI

### JIM LOSES A PARTNER

HAD Jim Lofton's mind at that particular moment been less centered on home and supper and Stratton's; to tell the truth, less on Delia and how she would take the bit of good-luck that had come to him, something of what occurred later might not have happened.

The shadowy figure that Jim had seen but that he and Stratton had both rejected as a creature of his imagination had been a very real one. It stood close under the timber trestle, hugging the sweep of black shadow under the trestle bents. He saw Jim and Stratton pass along the workings; he saw them pass the huge piles of slag and rejected slate; of black-jack and rim-rock; all refuse from the rich coal seams that had to be taken out before the veins could be uncovered for the working.

When the two men had been swallowed up by the dusk, the watcher below the trestle scrambled up the bank of loose culm, knee-deep in the dry slag-dust that filled his shoes, and clambered to the top of the frame-work. Here he sat down in the inky shadow-blotch of an empty car.

"An' now that they're out of the way I'll let the others know."

Below and about him the valley spread, a vast panorama of flat darkness with occasional patches and streaks of still deeper tint, like a second night accentuating the, first.



The man could not see cottage, trees or pump-house, but subjectively he could feel them. He knew they were there and his eyes picked up the invisible objects as fingers pick things up in the dark.

He fumbled for a moment in his pocket and brought forth a small electric torch and leaned forward with it over the timbers. Again the searching fingers sought the pocket and brought forth a tiny compass. Both of these he placed in the up-turned hat that lay between his knees. Then switching on the light he read the compass.

"First I've got to get the right bearing. If I get it wrong, somebody else'll see the signal. This tippie bore north twenty-five west from where we were so south twenty-five east'll give me what I'm after—so! We'll back line it an' make it—"

The compass turned slowly in his hands till the north and south line showed the angle. Then laying the light across the compass he cupped his hands about it so that it would be invisible to watchers from either side.

"Eight ten." He looked at his watch. "All right! Now then, Mr. Drake! We'll see if we can't make it unhealthy fer some o' your Dago friends an' interestin' to some of your guards who ought to lose their jobs after to-night's work—fer carelessness. Now!"

His thumb touched the switch. Came a tiny, metallic click. Then a faint, luminous glow, wavering, shuddering, that shot almost instantly into a long, thin finger of light.

It cut through the blackness like the point of a dagger. Once—twice—followed by two short flashes. Then he switched off the light, thrust torch and compass into his pocket and sat staring off into the dark, watching intently, his eyes wide open till they stung with the strain of watching through the cool dark.

Suddenly, from the southeast, perhaps eight hundred yards away, the reddish gleam of a smoky lantern answered him. He picked his way from the trestle to the soft ground below and waited in the black shadows of the timber overhang for something—somebody—

Finally they came. He did not note their approach. One never does in the dark—where things spring at one—until they fairly leaped at him out of the night; four men, burly of figure, chary of speech, barefooted, three of them carrying coils of rope and heavy blocks—pulleys that were to aid them in their self-imposed labors.

The fourth man bore an inconspicuous little package under his arm. It gave off a faint metallic clink as he laid it down.

"All ready?" came a low question.

"Aye. I've been waitin'—"

"Come on then—mind now! No lights—"

They padded on into the dark.

Past the tippie they went, climbing up the slope of the hills when they reached the bare slant of the range. Still farther in they went till they had gained the shaft entrance. There they paused.

An electric-light pole standing near them gave them an anchor to which they made fast one end of a rope. To this line they made fast a block so that it hung squarely over the mouth of the shaft.

"You'll need the single block below to give you the purchase—so!"

The speaker deftly arranged the tackle with a precision that told of deep-sea wanderings.

"Now, Easy—"

"Hold hard there! No names—"

"I ain't callin' no names. I was goin' to say 'Easy with that line!'"

One of the men chuckled in the night as the man came forward with the small package.

A line fastened to a broad, leather belt was passed through the sheaves of the double block and the belt was buckled about the man. He jerked a four-foot piece of line from the coil and taking a hammer in his hand turned to the others.

"I'll pull the line twice when I reach the bottom. Don't try to pull the rope up to the top after you've let me down. Leave it hang in the shaft. You all go an' hide for an hour. I can do it in that time. If you hang about here somebody may see you an' them mine guards'll get me. As soon as you've lowered me, you fellers go an' hide. Let me go now—steady, mind—all right—"

Inch after inch they paid out the rope, one man pouring oil from a bottle upon the sheaves to prevent the screech of dry wheels that would have given warning to any one within a mile of the place.

For ten minutes they lowered slowly. Then came a pause in the descent and the hanging rope slapped to and fro against the walls of the shaft.

"All right! He's down! Let her hang! Now it's us fer the dark! Back with us all to some place where the mine guards can't see us! It'll be hell an' repeat fer him if he gits caught with the goods!"

It would have been "Hell and repeat" indeed and the man who had gone down the shaft was well aware of it as he spun around and around at the end of the rope, now knees, now elbows slurring against wet timbers or shaly earth. Slowly he dropped to the desired level.

Arriving at the bottom, he first took the precaution of unbuckling the belt and fastening it around a heavy timber. He did not altogether trust those men above ground. Then, tying a bit of string over the switch-

stud on his electric torch, to "fix" the light, he ran as swiftly as he dared in the semi-darkness along the drift to the entry that led to room number two hundred and seven.

He entered, laid down his package and examined the walls carefully.

"Hm! It's just as I thought! They've cleaned up all the loose coal an' have already begun borin' fer new shots—"

He picked up the breast-auger that lay across two timbers.

"Good Lord, how they've been workin'! It's no wonder they say that Dago Serafini's the best underground man since the days o' Pat Haley. He's taught Lofton too! Look at them holes bored already fer the powder—"

There were six holes ready to receive their charges as he discovered by testing them with a bar. He tried hole after hole till he found one that suited him. In it there was still sticking a short hand-drill. This he carefully removed, unfastened his package, opened a can and began ladling powder into the unfinished hole.

When he had ladled in an extra large amount, he produced from his pocket two harmless looking copper cylinders about an inch long and of the diameter of a lead pencil. These he carefully inserted in the hole and replaced the short drill exactly as he had found it.

"May as well make another one. Make a good job of it," he muttered.

He passed to another hole where he repeated the same procedure.

"Hang the light! It's polarized!"

The electric torch flickered low. The circle of light passed from a steady, bright glow into a small barely-illuminated circle. He consulted his watch. He had

finished his work in a short half-hour. He looked about the room approvingly. Then he gathered his tools, hung them again about his neck and crept back into the main drift that led to the shaft.

"Twenty minutes before they come to haul me up. I may as well have a smoke—but not in there, thank you!" He grinned as he sat upon the rails in the drift lighting his pipe.

His pipe emptied, he glanced again at his watch and went hurriedly to the shaft, buckled the belt about his waist and slapped the rope twice against the rock face.

He made three signals for raising before the answer came in a tautening of the line. Presently he swung into the dark space, passing up jerkily foot by foot to the open face of the shaft where his four companions awaited him.

"Done?" grunted one as they hauled him over the edge of the pit.

"M-hm! Well done too. Steady there with that rope! Coil it all up and wipe the oil off the timbers so there won't be no sign. So! Now fer the fence again. Mind the guards! Careful, now—"

Going as carefully as they could they reached the fence that marked the limits of the Company's property, crept under it where it crossed the bed of a dry arroyo and so reached a tiny clump of piñon pines where they paused a moment for debate.

"You all go on home now an' don't let no one in the whole tent-colony know what's happened. What they don't know won't hurt 'em. Good night, you fellers. We may hear somethin' to-morrow—"

One by one, taking different trails, they left the clump of piñon pines. The dark hill-side lay silent as the grave.

Meanwhile Jim, his hardly aroused suspicions allayed

by the laughing rejoinder of the old Pitt Boss, had tramped home with Stratton.

Supper was waiting for them and it was not till the meal was nearly over that Delia, who had looked at Jim more than once in a puzzled way, burst forth with

"What is it, Mr. Lofton? Ever since you sat down you've been looking as though you had something to say but didn't know how to begin. Out with it! What is it? Father, make him tell."

Stratton only grunted while Jim replied sheepishly:

"Not much"—with an affected air of unconcern—"I'm to be made a mine guard to-morrow. The pay is better."

"Oh! I'm glad! The work below ground must have been awfully hard for you. You were so unused to it—"

"It was," said Jim grimly, mentally feeling his still aching muscles. "You see, Miss Stratton, most of my work has been surface mining; that or very near the surface, and I must say that I don't care to spend all my time underground. Yes—I'm glad. Shall we go out on the porch?"

She followed him out upon the little veranda and there, with Stratton sucking audibly at his pipe and Mrs. Stratton and Delia sitting by, absorbed listeners, he told more of his wanderings than he had ever told before. He told them of his quest for wealth; of his unlucky ventures upon which, to do him justice, he laid little stress, passing them by with a laugh or a jest, but never a complaint of the "raw deal" that some men would have blamed Fate for handing them.

Delia listened open-eyed to his words; a fairy-tale from a new world it seemed to her. This was an Odyssey that she could comprehend. Sympathy? Yes, there was a thrill of sympathy in her heart as she lis-

tened to Jim's wanderings by sea and land. How five years earlier he had accepted a position in South Africa where the open-handed Colonial English had finished what their no less open-handed American cousins had begun; the gay clubs of the Rand; the roulette wheels of Johannesburg; the crooked ponies at Ladysmith. He only stopped when he had reached the limit; which limit was the end of bank-account and credit. Then over seas to the nitrate beds of Chili; then to Venezuela, where the tales of rich placer mines at the headwater of the Cayetani drew him as they had drawn the earlier Spanish adventurers; and last of all,—the crazy wager that had finally landed him penniless in Denver, "and here, at the Calderwood, Miss Stratton," he wound up with a laugh.

There was more in her heart than just sympathy. She was honest to the core; honest with herself as with others. She knew there was a taint of jealousy in her sympathy for this man; this common day-laborer of to-day would not remain one forever. He would go up. He was bound to. He belonged to a class different from hers. Yet her sturdy Western democratic spirit rebelled at the thought even while she admitted its existence. And when Jim, his tale finished, added, "So you see, I only took what came. I'm not down and out. Lord! I haven't even begun to fight yet. It's only a breathing spell. I mean to make a fortune yet."

She asked coolly: "What for? Why so much trouble for money?"

Jim looked at her absolutely taken aback. The question had taken him unawares.

"What for?" he asked dazedly.

Delia continued with a certain heat:

"Yes. What for? Can you eat money? Can you

drink it? Can you wear it? Will it do any more for you than feed and warm and clothe you? You could do that by a system of barter. Oh, you men are silly! Silly! When you are warmed and well-fed and have done your work—”

“That’s the word, little daughter,” Stratton took the word. “When you have done your work. Work!” He boomed forth the word as if it were a powerful and solemn formula. “It’s work that counts, Lofton. It’s work. Not the mere money that work brings—”

Jim laughed feebly as men do when rightly taken to task, and that night in his room with the moon-rays streaming through the window he thought long about Delia Stratton.

Was she supremely beautiful? Supremely brilliant? No, she was not! He shook his head. How then could he express it to himself? She was imbued with a something that took the place of both those qualities; a deep, simple, clear vivacity; a continual response to all that was best in life; a creature from whom all evil things shrunk as toads do from sunlight. Satisfied with the picture of Delia that he had conjured up, he slept.

He met Serafini at the cage as usual in the morning and they were dropped to their level. As they trod the uneven floor that led to their room, Tonio turned engagingly to Jim:

“Mus’ maka more money dis mont’.—Needa more—”

“What do you want with more money? You’re a rich man, Tonio. Got wife, hey? Got children too? How many children?”

“T’ree an’—” Tonio laughed and chuckled as though concealing a great secret. “Want a much money dis mont’—”

He passed along the walls with his breast-auger, seeking the best place to locate his blasts.



"We've got four holes done now, Tonio, and two yet to finish. Shall we finish them up now?"

"No. Not now. Mo' better bore new holes while we feela fresh. Bimeby taka da han'-drill an' poun'. No can see ver' good to hit drill w'en firs' come in out o' light. Come on, lazy mans."

Tonio, with a pleasant grin dividing his olive face in sections, took up his auger and set to work with a new zest that was given him by the secret that he was so happily hiding from Jim.

For three hours the two men toiled steadily, moving from point to point along the coal vein. Finally Tonio laid aside his auger and, sitting down upon a "nigger-head," a great boulder of hard, shining coal, filled his pipe and puffed comfortably at it.

"You got wife, Jim? Eh?"

"No," said Jim lazily, "not yet—"

"Hah! Not yet!" Tonio laughed. "You catch one soon. You not know how to live till you got wife an' bambino—leetle boy dat catcha da finger an' bite an' pulla da hair—"

"Might buy a monkey," said Jim lazily. "He could do all that—"

Tonio roared with laughter. "You getta da Sposa an' buya da monk an' see what da Sposa say! Come on, you big fat lazy mans!"

The heavy hand smote Jim affectionately between the shoulder-blades and the two men, laying down their pipes, began their work anew.

"Here, lazy mans"—Tonio evidently liked his new name for his buddy for he dwelt upon it insistently—"you taka da hammer. Yest'day I work hard hitta da drill—Dis day you hitta da drill—Tonio him t'ree time fader—maybe more so—him taka de res'—Hit, lazy mans."

He turned the drill slowly and carefully between his hands and settled it in a half-finished hole. Jim spat upon his hands, lifted the heavy sledge, whirled it twice and—struck!

The moment the heavy hammer head touched the drill-head there came a staccato crash! A flash and roar!

It grew in leaping, soul-racking octaves to a long, thundering, reverberating roar that filled all space. Then the shiny, black darkness of the rock-face jumped away into a sudden, bright, yellow glow. A crimson flame belched out and a ball of white smoke rolled wheel-like along the floor.

The concussion threw Jim flat upon the loose coal. Some brutal inhuman power tore the hammer from his grasp. It hurled across the room and settled with little foolish noises upon the loose coal, breaking incongruously into the great symphony of sound.

As he fell, the shot-drill hurtled past his ears.

Silence came—a silence far more terrible than the roar that had preceded it. Jim's very reason seemed to totter. It was as though heart, lungs, and muscles had shrunk into pin-points.

He tried to understand, to see. All was dark. The back-blast of the explosion had blown out his lamp. Tonio's had long since gone out.

Years later, so it seemed, he got to his knees. A man, a cursing man, stumbled over him. There were other men, profane, swearing men of a group that rushed madly into the room through the smoke and the wet powder-reek.

"What the hell—have you all gone crazy?" One of the men had a light. He shot the red flame into Jim's aching eyes. "What in hell ails you fellows? What do you mean firin' blasts—"

He stammered in his excitement,

Jim had regained some of his lost self-control.

"Never mind me! For God's own sake look to Tonio!"

He pointed to Serafini's body where it lay crumpled up across a little pile of coal. He sank back, pressing his hands to his aching eyes that were filled with dust and grime and powder spit.

"Look! Jesus—"

The remark was not profane. It came from the heart. The leading group of miners shuddered as they picked up the poor helpless body, one of them mercifully laying a cap over the face that was no more a face.

"Dead?" asked Jim weakly.

"No. Worse for him, poor devil! What in hell happened, Lofton?"

"I don't know. We had been boring holes all the morning and just started in to deepen a half-finished hole with a hand-drill. Tonio was holding on and I was striking. At the first blow the thing went off. God knows who loaded it! We didn't—ah-h!"

The last was a groan as he sank back upon the wet floor.

"A fool trick, questionin' a half-dead man. Look at his head."

A long, deep gash showed on Jim's head and the blood, pumped out by the over-worked heart, coagulated with the coal-dust and the caked sweat, covering him with a hideous mask of red and black.

"Pick him up too! He can't walk! Out to the cage with both of 'em! They might have knowed better than to try to finish a half-bored hole in a strikin' district that's filled with Dagoes an' Ginnies an' I. W. W.'s too. What was it? What fool asked that? Some devil put a blast in the half-finished hole an' topped it off with a fulminate of mercury cap. Of course the first

tap of the hammer set it off. The cap alone ought to have killed both of 'em! God A'mighty! What won't they do! Hurry 'em out, you fellers."

Kindly hands carried them to the cage through the rapidly congesting groups of miners who, coming from every entry and passage, crowded the main drift. Jim was laid, as comfortably as might be, on the floor of the cage. Next to him the limp figure of Tonio Serafini, the dirty cap still on his face, was supported by a boy whose face looked white as ivory in the red glare of the smoky lamps.

"Let 'er go!"

The cage roared slowly up the shaft to the kindly light of outer day.

## CHAPTER VII

### A FRIEND IS MADE

WHEN Jim recovered consciousness, he found himself stretched upon the ground, his head in the lap of a woman who was fanning him, the strong light of the midday sun beating mercilessly in his face.

The first sound that his waking ears heard was an outburst of vitriolic profanity from Drake, who, hands in pockets, stood beside him, watching the doctor who was bending over Tonio.

"Take him to the hospital at once," ordered the doctor. "No! He's not dead. May not die. Can't tell yet. But wait till I look at this one."

He pushed Drake aside and knelt by Jim.

"Where're you hurt?"

"Generally shaken up, head cut. No bones broken, I think."

"Good Lord! Here's a man diagnosing his own case." Dr. Burns leaned forward again, passing his fingers lightly over Jim's wounded head.

"He's right. There are no bones broken. Take him along too. He's been badly shaken up and will need a rest."

"Can you tell me exactly what took place down there?" cut in Drake.

Jim nodded as he struggled to his feet.

He told Drake about the half-dozen holes that they had bored the day before; about their hand-drilling on the hole that had not been completed with Serafini "holding on" while he, Jim, struck.

"Then with the first thud of the hammer, came the explosion," he wound up.

"One o' them strikin' anarchists sneaked in," broke in one of the miners, "an' placed a charge in that hole with a fulminate o' mercury cap on top of it. When the drill was druv in by the hammer—"

"I know, I know," Drake rasped out impatiently. Then to the doctor he added:

"Is Tonio badly hurt?"

Dr. Burns nodded. "I fear so," he said slowly.

"Who'll tell his wife?"

The woman in whose lap Jim's head had rested, rose.

"I live next door to 'em. I'll tell her. God in Heaven! I'm so scared when my man goes down that somethin'll happen to *him*. . . ."

She sobbed, but throwing her apron over her head, started bravely on her hard errand.

Badly shaken as he was, the gash in his forehead paining him sharply, Jim could not rest until the doctor had given him two heavy injections of morphia.

His dreams became even more confused than his waking thoughts had been. They whirled like a fog-wreath that broke now and then to disclose detached fragments he vainly strove to put together. There was the figure of Tonio Serafini crumpled up on the floor of the room in the reek and smoke of the blast; there were Delia's gray-blue eyes blending oddly into her father's puckered gaze; old Stratton's voice, even his very words that said: "It's work that counts, Lofton, work."

When he awoke again, in spite of the morphia, his head ached terribly and he struggled for five long minutes to correlate his ideas.

He thought of Serafini and there was blame connected with the thought. The night before, just after he had

been notified of his appointment as mine guard, he had had a vague impression of a figure flattened against the trestle timbers. He had dismissed that impression as being but a figment of an excited imagination. He should have made sure.

Yes! He *was* to blame in a way.

What had happened to Serafini? He had grown to like the big, hearty, childlike Italian.

"Tonio . . ." He groaned the name aloud and a moment later a screen at the end of the room was drawn aside.

There was a quick flutter of gray linen, a glint of golden hair, and Delia came into the room. Close behind her was another girl, a tall stately girl with clear-cut features and a mass of raven hair piled above a white forehead. Her mouth was a trifle hard; it was a mouth that spoke of pride repressed and suffering endured. Jim noticed that mouth at once—to forget it a second later when the memory of Serafini came again to him with a dull, stinging ache behind it.

"Where's Tonio?" he demanded.

Through his pain, through the curtain-daze that still stretched across his perceptions, he was intent on the question. He repeated it:

"Where's Tonio?"

"In the next room." It was the dark-haired girl who spoke. "Keep quiet just a few minutes and I promise you I'll let you know how he is as soon as Dr. Burns is done with him."

She walked softly out of the room and Delia, who had kept silence, could not help answering the mute question that she thought she saw in Jim's eyes.

"That was Miss Drake," she said. "Miss Constance Drake. The daughter of the Superintendent, you know,"

Had Jim's head ached less, had his thoughts been less intent on what had happened to Tonio, he would have noticed the tiny quiver in Delia's voice. He might have noticed too, in spite of his clean, manly clumsiness in the perception of a girl's emotions, that Delia pronounced the words "Superintendent's daughter" with a faint nuance of bitterness. For again in the girl's heart there had surged up the mutinous thought that this man, workman though he was now, though his very speech reflected some of the roughnesses of his surroundings, was and always had been a gentleman.

*She* was the daughter of Mike Stratton, Pit Boss.

"Like goes to like." She had heard that repeated somewhere. Then, mistaking the strained expression in Jim's eyes, whose thoughts were all of Serafini, for curiosity as to Constance Drake, she sat down by his bedside and told him all about her.

She told him that Constance Drake, the Superintendent's only daughter, had kept house now for her father for two years. She had spent most of her life in the East; then had come out to Colorado to play the good housewife in a rough mining-camp and, to her credit be it said, had done it well. Besides keeping a faultless house where her widowed father found bodily comfort, she had proved a blessing to the families in the place. Eyed with suspicion at first by the wives of all the miners because of her neat clothes and her well-modulated voice, she had won her own place in their hearts and by little hints thrown out here and there as opportunity offered—hints of housekeeping, of economical cooking, of nursing—she had helped nearly all of them in one way or another.

But with the new men—foreigners, suspicious, dumb, oft-cheated—whom the strikes and Graves's false economy had brought to the place, Constance found that she



had all her work to do over again, and this time against greater odds.

"... But she is keeping on with it," wound up Delia. "She is keeping at it day after day." And when Jim with his eyes half-closed muttered: "Strong girl apparently," she found herself agreeing with him.

"Yes," she said softly. "She is strong. . . ."

And she bit her lips.

A moment later Dr. Burns and Constance Drake came into the room. The doctor walked over to Jim's bedside.

"You wanted to know about Tonio?"

"Yes . . ."

The big doctor cleared his throat. He spoke with pity in his low voice:

"He will live, but he will never enter a mine again."

"What do you mean, doctor? How is he hurt?"

"The sight of both his eyes is gone."

Then he added more cheerfully, "You girls clear out now. I want to have a look at *this* patient."

"Cut up a little; badly shocked and shaken up," was his professional judgment twenty minutes later. "There are no serious injuries. You'll be all right by to-morrow, Lofton."

Punctually at noon the next day, Jim entered the Superintendent's office. He found Drake waiting for him with a set, stern face.

"Can you go to work to-morrow night?" he asked.

"Yes, of course. I can go to work to-day if you like, sir."

"Never mind to-day. Get your nerves steadied first. You'll be on duty at night after this. I want you to pay special attention to this office, Lofton. We generally have a good deal of money in the safe. Mr. Graves, the owner, will be out here in a few days and if

the strikers attempt anything it will probably be while he is here. You know about conditions here?" he asked keenly.

Jim shook his head. "I've had my hands full getting out coal," he said grimly.

Drake walked up and down the floor for a moment. "Well, here it is in a nutshell. Graves wanted to save all the money he could. When the strike came on, his mine was the first affected. Can't say that the men had no kick. They did. But Graves, instead of talking it over, got a lot of men brought in here as strike-breakers. They worked for a while—not one of them could speak English—and then they formed a combination of their own and quit work. They put up their little tent-colonies all about us—you can see 'em on the hills around here—and they make all kinds of threats of bodily harm against any men who come here to work."

"You mean they're Union men?"

"No. They're not. They're not to be held by any bond. They recognize no law except the law of their own sweet will and the law of fear by which they drive our good men away. Graves knows now that it was a serious mistake to bring them here in the first place. They or their agents I am sure are the ones who hurt Serafini. They've threatened him before. I want you to see Stratton and get from him a rifle and a pistol. Remember that I am back of you in all that you do. Understand?"

"I do." Jim's lips closed grimly. Recollection of the events of the previous day was as clear as crystal to him. It would go hard with any of those outside men who should come in line with his rifle-sights.

"Is that all, sir?"

"For the present, yes. Report to me every morning here in the office at seven-thirty. Good morning."

Jim walked slowly down the slope and stopped on the slag path, fingering his pipe. He wanted to think, and to do so he must get away from this sweep of sordid, squatting gray houses. He was thinking of Tonio as he tramped up the hill-side toward the line of heavy timber where many feet had worn paths among the trees.

Taking no thought of his direction, he followed one of the paths blindly. It brought him out of the woods on the edge of a deep cañon. From far-down among the boulders at the bottom, the musical tinkle of a tiny stream came to him; a stream, not sweet and limpid as God made it, but fouled with the unspeakable filth of the mines. The stinking fumes of water heavy with sulphur rose and choked him.

"Faugh! It's as sordid as life," he growled.

"That is hardly fair, Mr. Lofton," said a clear voice behind him. "Dirty water cleanses itself in running. Sometimes evil lives cleanse themselves in the living. What complaint have you with life?" she added with sharp emphasis. "I have just come from Tonio Serafini. He has lost the sight of both eyes."

Jim, who had turned at the first word, found himself facing Constance. Her white dress was not whiter than her face, save where her lips showed a line of red. Her eyes betrayed weariness.

Jim swept off his cap.

"I beg your pardon, Miss Drake. I did not know you were here."

"I came for a walk after a terrible scene at the Serafini house this morning. I went to see Tonio's wife. It is dreadful, Mr. Lofton. Did you know him well?"

Six months before, Jim would have answered "No," but suddenly the knowledge of the brotherhood of work came to him. It smote him like a blow in the face. Did he know Tonio? Why, they had worked together.

Could men know each other better than that? They had worked and sweated together at the deeper levels. Now he had come up, and Tonio—Tonio the happy—had sunk to the lowest level. Sweat binds closer than blood at times.

"Yes, I know him very well indeed," he said. "Really I have no grounds for any complaint, Miss Drake. Like every one else I pay for my mistakes. We always pay for them, you know. And we always protest the payment," he added grimly. "That's what I was doing,—protesting. Did you say you saw Tonio's wife?"

"Yes. Early this morning. She had already got a Black Hand letter that had been pinned to her door during the night telling her that if she or her husband or any of the children work any more at the Calderwood, their house will be burned."

Jim swore beneath his breath. "I'll be on in that act," he said curtly. "I go on duty to-morrow night as mine guard. I'll manage to look out for her."

Constance let her appraising gaze wander over the tall figure. She noted the broad shoulders, the firm jaw, the narrow hips. Last of all she noted and marked well, for she had lived much among men, the clear gray eyes that had a curious habit of contracting almost to pin-points at the force of his will. Such men are dangerous. She noted too his hands and that they were not the hands of a practiced workman.

"How did you happen to pick up Tonio?" she asked presently, seating herself upon a rock.

"Ask me rather how Tonio happened to pick me up. I have only worked with him for a month, but I have found him to be very much of a man. A rough, unpolished, uncultured man, it is true, but—a man. Can nothing be done for him?"

"My uncle, Mr. Graves, who owns the mine, will be here in a few days. When he comes I will do everything I can to interest him in this particular case."

"Your uncle? Mr. Graves is your uncle?"

"Yes, he is my uncle. I have lived nearly all my life with him."

She could not tell Jim the facts that had bitten deep into her life: that her mother had died in giving her birth and that her father was then and had been for many years a heavy drinker. She could not tell him how her father had lost position after position, always through drink, until finally his brother-in-law, Benjamin Graves, in order to take the girl away from such surroundings, had informally adopted her.

As the years passed and she grew to womanhood her uncle had grown to love her like a child of his own and in return she fairly idolized him. Then one day she had asked about her father; and her uncle, who disdained subterfuges, had told her the plain, unvarnished truth. Overwhelmed at first, her native strength came to aid her, and in time she believed it might help her father to redeem himself. Her uncle reluctantly agreed and gave her father the Superintendency of the Calderwood Mine.

He came, a broken man, ashamed to meet the daughter he had not seen for twenty years and found her, not the cold hard woman he had looked for, but a warm-hearted, affectionate girl, with no words nor even thought of the past but only a heart filled with ambitious plans for the future.

She gave Percival Drake a new lease on life.

On the other hand, it was the knowledge of how greatly her father depended on her for support, for strength, that helped Constance to face the long, winter months in the lonely, barren camp. It was that knowledge and along with it her never ceasing labors in be-

half of the miners' families, that gave her a certain masculine direct veracity and made her despise conscious semi-falsities and unconscious semi-truths; that enabled her with almost merciless clearness of vision to look beneath the surface of things and that gave her the sheer power to accept man as she accepted woman, regardless or negligent of the barrier of sex.

Strength! It was the one thing worth while in her accepted scheme of life. Instinctively she recognized it in Lofton.

"I think we're going to be friends, Mr. Lofton," she said with unaffected simplicity.

"Thank you," said Jim. He took her hand, but he did not bend over it. Something kept him from doing that. He pressed her fingers firmly as he would have pressed a man's.

## CHAPTER VIII

### JIM MEETS CERTAIN PEOPLE

THERE was much talk in the mining camp about the official report that the Calderwood Company would make about Serafini's condition. What would be done? Although the owner, Mr. Graves, was the uncle of Constance and though she would do all that she could to help the family of the injured man, Jim knew from hard experience how little attention mine-owners paid to the misfortunes of the individual miners.

If Graves were inclined to be very generous—and Jim doubted it—Tonio might get a month's pay. Had he lost an arm or a leg or only one eye, he might have secured some half-pay job in the mine. As it was he was down and out.

"What d'you expect?" asked Stratton when Jim broached the subject. "A mine ain't an asylum for the lame, the halt an' the blind. It's a business; like any other business. They've got their expenses to figure on. They simply can't make any exceptions. I know it seems hard," he wound up, "but I know miners an' I know how it works too. You make an exception of this case an' next year it becomes a precedent an' the next year the Legislature makes a law controllin' all cases like it. I know."

"What'll Tonio do?" Delia asked Jim as they sat on the porch that evening.

He shook his head sadly. "I haven't the faintest notion," he said.

Then very suddenly an idea came to him. He excused himself hurriedly, rose and headed down the hill and turned into the Company store.

The clerk behind the counter greeted him affably and reached for his favorite brand of tobacco.

"No. Not that, Joe. I want to talk to you for a minute."

"Fire away."

"Did you know that I've been made a Mine guard?"

"Glad to hear it. Better pay, ain't it?"

"Yes. Seventy-five a month. Now, listen, Joe. Tonio Serafini's had hard luck. The blast that those damned murderous Wops placed in our room put his eyes out. You knew that, didn't you?"

Joe nodded.

"His family's got no money an' there's special reasons why they'll need money in the future. Tonio can't work. Just drop a note to his wife or see her—better see her. Tell her that her credit is good at the store as long as she wants it for thirty-five dollars a month. Let her think the Company's paying it, but charge it up to me. Get me?"

Joe nodded comprehendingly. "I'm on," he said. "Say, Lofton, you're white all right! Clear white—"

"That's all right. Somebody'd do as much for me." Jim left the store a little easier in his mind.

Half-way up the hill a ragged little boy ran up to him.

"Say," he whispered breathlessly, "can you tell me where I'll find *him*? . . ."

Jim took the note that the boy handed him and saw, to his surprise, that his own name was written in pencil on the back of the dirty paper.

"It's for me," he said. "Who gave it to you?"

"A man back there." The boy waved his hand in



the general direction of South America. "He said I was to give it to you an' to tell you to be sure to be on time."

He twitched nervously at his patched trousers and tore off up the hill.

Jim opened the paper.

"Friend Lofton:" it read, "This is just a line to ask you to meet me at six to-day at the bent sapling on the top of the hog-back. Be sure to come."

The note was unsigned, but Jim felt sure that he could make a rather accurate guess as to the writer.

He was deep in thought all during dinner. With Delia absent at the office and Mrs. Stratton used to masculine taciturnity, he did not feel the need of making conversation.

He wondered if it were advisable to keep that appointment. Perhaps Easy—for he was sure that Easy had written the note—had become conscience-stricken by the tragedy that had happened to Serafini and would tell him all that he knew about it. Jim felt that Easy knew all about it.

He decided that he would go. He whiled away the long hours of the afternoon and at five o'clock he left the house to climb the hill.

It was warm on the eastern slope of the range, where the sun had been shining all the morning. Once a road-runner made him jump by its sudden rush across the narrow trail. Again, a low brownish-gray form slinking through the gloom far down in an arroyo gave mute notice of a coyote.

"After chickens somewhere," commented Jim. He pushed on up the path, his feet slipping on the loose shale, till, at the top of the hill, he looked down into the cañon on the far side of the range.

The gray cloak of dusk lying over hill and valley was

melting into a velvety black that blotted out the sharp-drawn contours of trees and peaks. The shadows of the scattered pines and scrub oaks pitched to the east in flat dusky shapes. Behind the saw-toothed range of hills that were bathed in a mysterious purple light all flushed with gold, the sun was slowly sinking. In the last of the gleaming radiance far down in the valley the little gray houses looked almost beautiful.

For a moment he stood there looking at the panorama spread out at his feet. Then turning short off to the left, he made for the bent sapling. It was the place where he had seen Constance Drake earlier in the day.

He waited several minutes. A curious tense nervousness held him. It seemed to emanate from the pines yonder; to fill the very air. Space was dominated by it.

The darkness deepened steadily; slowly all objects melted into the dusk of the mountain evening. Jim was just about to decide that he had come on a fool's errand when a familiar voice came to him out of the shadows.

"Sorry to keep you waitin'!" Easy's squat figure loomed up from behind a gnarled tree. "Ain't you glad to see me again, Lofton?" he asked with an attempt at jocularity. He sat down on a log.

"May be." Jim sat down opposite him and eyed him watchfully. "What do you want?"

"Well, Lofton, I'll tell you. We all had a little meetin' down below"—he waved his hand generally at the valley—"an' the upshot of it was that I was sent to tell you what we've decided on—"

"Go on," said Jim grimly. "You're a full-fledged striker now, aren't you, Easy?"

"Who? Me? Yes, sir! I tell you right now, Lofton, if you knew how much these poor fellows have stood for you'd be one too—"

"I know that those poor fellows who've stood so much, as you say—damned murderers and cut-throats and cowards, I call 'em—put powder in some holes that Serafini and I were working. I know they blinded Tonio and nearly killed us both. I know they sent a Black Hand letter to his wife. She'll have a hell of a time supporting a blind husband. I think I know about most of your gang, Easy! I'm sorry you're one of them."

"Bodart said you'd be so bitter against us that you wouldn't be able to see but one side," whined Easy, "but I wanted to put it up to you." The man's tone was quite usual.

"What do you mean?"

"Oh, we know that you're a mine guard now. Say, Lofton." He leaned forward on his log, screening his mouth as he spoke. "What's it worth to you to go to sleep on your job some night for a matter of two hours?"

"What for?" asked Jim obtusely.

"There ain't no use in beatin' about the bush. The gang's decided to put this mine out of business fer good an' all as a warnin' to the others an' to the Union too that tries to control all the men that comes in. Get that? It's goin' to be done too. There ain't no sense in your buckin' a gang, Lofton. You'd better stand from under. We'll make it worth your while—"

Easy never knew how near he was to death that night upon the hillside. Neither could he have understood the reason for it if he had known. He was making what he thought was a sensible proposition. The word "principle" was not in the vocabulary of his life. His inner self had no corresponding term for it.

Jim looked at the queer figure on the other end of the log, heard Easy's casual accents, realized the futility of an appeal and unclenched his fist. He rose and spoke,

each word as distinct as he would have spoken it to a child.

"Well! You see, Easy, we don't look at this thing from the same angle. We don't see it alike. When I start on a thing I like to finish it. You've had your say. Let me have mine! I hardly know you. I know Bodart even less. As to Bodart, I can break him with my two hands if I get a chance in a fair fight. All that's beside the question"—he raised his voice a little—"but believe me when I tell you that I'll see the whole lot of you as far in hell as a pigeon can fly in a week before I'll have any dealings of any kind with you. Is that clear? Man, I can't make you understand—English is too limited—but let me tell you this much. You're nothing but a bunch of hard-bitten thieves an' murderers who have no right to live, to cumber the earth. The operators may be all that you people say they are but so far they haven't been murderers and Black Hand scoundrels, blowing men up and trying to scare women and children. Look here—"

He cut off the word and acted in a fraction of a second. For the need suddenly arose. Afterwards he could not explain what it was that gave him warning; whether it was his eyes which in spite of the dusk saw Easy make a short, covert motion with his hand, or his ears which caught a faint, stealthy sound. He acted at once. He flung himself off the log straight back from Easy.

A heavy stick crashed down from behind on the very spot from which he had moved, and sheared away a foot of splintered wood.

He half-turned, saw a figure behind him and, rolling over with the instinctive quickness of an animal while the club was raised for a second blow, he grabbed the

man about the knees. He rose with a quick jerk of shoulders and chest and threw his aggressor flat upon his back on the boulder-strewn hillside.

Followed a dull, sickening thud as the man's forehead struck the flat face of a rock.

The attackers had at least an elementary notion of aggressive tactics. They knew about reserves and the advantages of surprise. Two burly figures sprang at him from the darkness of a piñon clump.

Jim's blood was up. He had had experience with rough-and-tumble fights. He sprang sideways as the first man rushed him and struck with his left hand, putting all his weight behind the blow.

There was no guard for that blow. If there had been it would have been beaten through. Jim's fist, hardened by a month of toil on pick and drill below ground, landed full on the man's mouth. He fell as a tree falls and Jim was ready for the second. He met him with a low right-hander squarely in the pit of the stomach that took all further ambition from him. Suddenly he was aware of Easy still astride the log, his hands hanging at his sides, his mouth open. He seemed dazed.

A moon-ray broke through the rising cloud-bank. Jim looked again, ready for fight or flight. Then he recognized the man who had first attacked him. He was still lying there among the leaves, half on his back, his forehead bleeding.

It was Bodart.

Then Jim, remembering Delia in the train, remembering poor, blind Tonio Serafini in the little sordid hospital, threw deliberately behind him all ideas of chivalrous fighting and kicked with his heavy boot at the vicious face.

The curious thing was that neither then nor later when thinking or talking about it did he ever feel the slightest

qualm of shame. He knew all the man-made rules which say that certain blows are against the etiquette of fight; that feet and nails and teeth are barred. He thrust those rules aside. These strikers, notably Bodart, had laid aside all rules. So would he till rules became again the fashion.

He raised his foot again and kicked Bodart viciously in the jaw. Then, seeing one of the others coming back to consciousness, realizing that a combined attack might be more successful the second time, he turned quickly and plunged into the scattered scrub.

He did not run far. He was confident that consultation must follow defeat. Men always stop to explain failure. He slipped off his shoes, doubled upon his trail and crept quietly up behind a dead tree from which vantage point he could plainly hear the excited voices of his late opponents.

"Oh, shut your head, Bodart! I wish he'd broke your damn neck before you got me into this."

"How was I to know he could hit so hard er that he was so quick! Gawd! He hit like the kick of a mule—"

"M—m—m," this from the man who had got the blow in the pit of his stomach. "If I ever git a chance—"

"Oh, shut up! You had your chance. A three-to-one chance an' you couldn't lick him! If the lot of you couldn't do him up when you took him by surprise how in hell do you expect to pull off the stunt to-morrow night?"

Jim's ears pricked forward like the ears of a horse.

"There'll be no trouble about that. You do as you're told. Don't ask no questions; don't ask no names. Just do what you're told to do an' nobody'll be any the wiser," Bodart mumbled through his swelling jaws.

"Well, what's the plan? If we've got to do it, it's only right we know what it is."

One of the strangers was speaking.

"Oh, it ain't any deep-laid plan!" growled Bodart. "All you've got to do is to slip up to the store about eight o'clock. The store is always crowded with Ginnies about that time payin' two bits fer five cent seegars. Go up to the store, sneak back in the shadders an' set off your powder. Now mind! This ain't no plan to blow anybody up. All we want to do is to get old man Stratton an' the Superintendent out of the office. When they hear an explosion over by the store, they'll leave the office an' run over there. As soon as they're out, you, Ford, stick your dynamite under the office floor. See? We don't want no one hurt in this deal. This is just to scare 'em an' make 'em realize what we could do if we wanted to. See?"

Jim drew a deep breath of relief. With the knowledge that he now had, it would not be difficult to check-mate them. He crept quietly down to where he had left his shoes, put them on and hurried down the trail, going as softly as he could and as rapidly as he dared till he gained the low land. Here he quickened his pace to a run and never halted till he reached the office.

He decided to say nothing about the matter that night but to rely on his own resources for the time being. It would be rough work, brutal work, killing perhaps; but it was his own work and he would carry it through. When he walked into the Superintendent's office to report for duty he said nothing of what had happened.

Stratton had given him an automatic pistol and a repeating rifle.

Drake looked him over.

"Those strikers have been warned off the property time and again and if they come on the land they're tres-

passers. Challenge 'em just as if you were a soldier. If they don't halt, shoot an' shoot to hit! Remember Serafini! The same thing may happen to any one else if they get in here. Understand me?"

"I do, sir, and I will. You can count on me. Good night, sir."

"Good night, Lofton."

Drake watched his new mine guard as he went down the steps. He smiled to himself with satisfaction.

"He's a good man," he muttered. "A better man because of what happened to poor Serafini. He has cause for anger now and he'll get some one if he has a chance."

Even Drake had no idea of the depth of anger that surged through Jim Lofton's heart and hardened into hatred.

These strikers—They had tried to kill him. They had blinded Serafini; they had even got that soft fool Easy into their clutches. And Jim had liked Easy in an odd sort of way.

All that night he paced his beat, now seeking the dark side of the buildings, now standing for a long time in the shadow of a porch, rifle under arm, his ears fairly aching with the strain of listening.

The hours passed slowly.

Suspicious sounds and sights seemed to spring up under his very feet. Once he was on the point of firing at an old blind mine-mule that long ago had been pensioned for age. Why not? He was not a miner.

Day came at last and with it Jim went back to the office to report.

As he went up the steps he met old Stratton on his way to work. Jim stopped him.

"Come in a minute, Stratton. I've got something to say to the Boss and I want you to hear it."



Stratton, surprised, followed him into the inner office. Even at that early hour Drake was seated at his desk. He looked up as the two men entered.

Lofton in a few words told of the plot to blow up the office.

Drake's eyebrows drew into a straight line. "Details," he demanded tersely. "Give me the details."

Jim gave them. He told of the fight on the hill-top but he said nothing of the note that he had received. Somehow he did not feel like giving away Easy.

The Superintendent listened quietly interjecting a question now and then.

"It'll be easily avoided. We'll keep two men on guard instead of one—"

"If I may suggest—" Jim cut in.

"Certainly. What do you suggest?"

"Give me two men and tell the engineer to take his orders from me. If the strikers see your guards they simply will not come at all. I want them to come. I'd like to put my mark on 'em. I guarantee they won't blow the office up."

"Go ahead then. I will not ask any questions. Stratton here will give you the men you need. Do you want us to come here to-night as usual?"

"Yes, sir. There must be no change. I'll attend to everything. Do not even arrest the man who sets off the decoy blast near the store. When it goes off, both you and Stratton break loose from here and run over there. Nothing will happen to *you* but I very greatly hope that something will happen to somebody else."

He left the office.

"What's he goin' to do?" asked Stratton.

Drake shrugged his shoulders. "I don't know. He's a good man and he's got brains. Let him work out his own plans."

A little later they saw Jim putting two men to work digging a pit in front of the office building.

It was about four feet square and a little more than that in depth and from it a shallow trench led to the engine house.

When it was completed, the men under Lofton's direction brought boards and laid them across the pit top, covering these in turn with cinders so that a short distance away one could not distinguish them from the natural ground.

The office stood on a gentle slope of the hill facing the east. It was built of light timber and rested on a low stone foundation. The only openings in this foundation were two small coal-windows in the front wall. It was here that he decided they would make the attempt to blow up the building. In order to make assurance doubly sure, he got from Mr. Drake two mine guards and placed them in sheltered positions in the brush above the office with orders to let any one pass from the hill to the building but to halt any one passing from the office to the hill.

This done he went to the house for a few hours' rest.

Night had fallen when he and Stratton, their supper finished, went out upon the porch. It was nearly seven by the clock in the little sitting-room.

"Go to the office as usual, Stratton. Tell Mrs. Stratton and Miss Delia not to be alarmed if they hear a bit of a fuss. Safe?"

Stratton nodded and clenched his teeth nervously on his pipe stem.

Jim went straight to the engine-house. Here he found the engineer who had been warned that his services would be required that night. Given certain clear-cut instructions, that gentleman wiping his face on

a handful of dirty cotton-waste burst into loud laughter, rocking to and fro in his mirth.

"Oh, the beauty of it! Sure, I'll fix it up an' do it right too! Don't want me with you, do you? I'd like to have a look in."

"Nothing doing. I'm playing a lone hand. But I want you to take my rifle and cover me from here if I need it."

The engineer nodded as he took the rifle and tested bolt and follower.

When it was dark enough to hide him, Jim crept quietly to the covered pit. Removing the boards, he crawled into the pit. Then he pulled the boards into place over his head, leaving space enough for air. In his hand was a short length of hose.

The next twenty minutes dragged like hours as he stood in a bent position, keeping his eye always at the crack. Eight o'clock was the hour set.

As he drew his watch out for the third time, he heard a muffled roar; a reverberating rumble followed by a chorus of raucous shouts from the direction of the store.

"That'll be the decoy blast," he muttered. "Lord! How they yell! Now—"

His eyes literally felt the night along the sides of the office. He saw the door open and Drake and Stratton come rushing down the steps. They disappeared in the direction of the store, leaving the office-door open, through which a broad belt of light fell upon the path outside.

Presently he saw a low, black smudge that looked no bigger than a dog. It crept around the office building where it was outlined against the light color of the stone foundation. Waiting no longer, Jim shoved the end of his iron pipe through the carefully prepared

crack, made a hasty connection with a hose and turning his left hand smartly, shot into the very face of the would-be dynamiter a column of live steam backed up by the full head of the engines.

The scalding steam struck the man straight on the face and neck and breast with a hiss that rose to a roar. Jim grinned in the darkness and shifted the nozzle enough to cover the entire length of the prone figure, changed now from the bold, wily schemer to a whining, shrieking wretch, wet and scalded.

"All right," Jim called, rising to his feet and dislodging the planks. "He's been scalded. You can pick off the bristles now."

Drake and Stratton rushed up in time to seize the man, who was wildly endeavoring to escape.

"Caught in the act and red-handed too," said Drake. "Look there, will you!"

Three sticks of dynamite in his pocket attested his intention. He shrunk away from the angry men and made no reply to their questions.

"Lock him up for the night. Put him down the pit and we can turn him over to the sheriff in the morning. Come into the office, you two and have a cigar. I won't forget this, Lofton."

Drake opened the office door and led the way inside.

## CHAPTER IX

### THE GRAY EYES AGAIN OPEN

EARLY the next morning the sheriff came to the Calderwood and backed by the guns of his deputies took charge of the dynamiter.

The strikers had gathered from the tent-colonies on the hill and had massed on the hill-side outside the fences of the Calderwood. There were mutterings here and there, men balling into groups then scattering again; there was talk of action against the sheriff, but there was no attempt at rescue.

"Why should we try any such dam' fool thing," shouted Bodart, "an' give the fool Governor an excuse to order troops down here! We don't have to free our men illegally. We can do it accordin' to law. Don't we own the juries? Ain't they our men? If they ain't, we'll scare 'em to death. Remember what happened at Boise? That ain't such a darned long time ago."

He alluded to the scene which had occurred a short time before, when at the trial of a similar case armed miners had invaded the court-room, practically threatening the judge and jury.

The verdict had been "Not guilty."

The departure of sheriff, deputies, and prisoner smacked somewhat of a comic opera processional triumph. The dynamiter played the rôle of hero and the gangs of strikers accompanied him and his captors to the train bidding him be of good cheer.

"They can't hold you long!" shouted one.

"Don't mind goin' to jail!" screamed a slatternly woman secure in the knowledge that she had not yet been arrested. "Don't mind goin' to jail. Your money built it! You got a right to board there, ain't you?"

Followed a week of comparative quiet; that breathless quiet that is tense and hushed suspense.

The few miners who worked for the Company went about their work undisturbed. There were no more incendiary fires. Even when a batch of new workmen was shipped in to the Calderwood from Denver, the strikers made no open attempt at threats or intimidation. A stranger ignorant of the true condition of affairs, would have said that there was a strike. Yes, one might perhaps call it a strike. But it was really a very peaceful one and its leaders were remarkably quiescent.

"Dancing on a volcano," Jim said. The trite old saying seemed to him to describe the situation exactly.

Drake had the same feeling. "The lull before the storm," he described it. He never went about without a heavy gun ready to his hand and he warned Jim that he too was a marked man because of his activity.

Jim nodded, saying nothing. His nerves tautened under the strain of expectancy. He was not exactly afraid but he had a general sense of exhilaration that he could only explain by the fact that he had felt it before. In the past, in Africa, in South America, he had wrestled with death and he had always found it an unexciting and prosy contest, quite without glory, without romance, even without regret. Yet it had a certain meaning. The men he had seen die had died for something which their opponents at least, if not they themselves, had considered vital. This was not the case here. There was neither glory nor good repute in being blown up by a greasy Wop strike-breaker for purely private

reasons. Death in this bleak land—deliberately planned death to be dealt out to him simply because he claimed the right to choose for himself whether to work or not—it seemed to him something unreasonable beyond words, sodden and brutally useless.

Had he been willing to share his feeling with Delia, he would have found a ready sympathy. Day by day her liking for him grew. Joe, the clerk at the Company store, had betrayed the secret of Lofton's generous support of Serafini's family.

"Just forget what I said, will you please, Miss Stratton," Joe called after her: "Lofton'd lambast me good if he knew I told you."

"I sha'n't tell him," smiled Delia, and as she walked up the hill toward the crest of the divide for a breath of the cold mountain air, she wondered what manner of man he was, who from a wage that was certainly not munificent gave nearly half of it to a man whom he had known something less than two months.

The men she had known in the past had been mostly Western miners. When flush with money they were free handed in a brutal, flamboyant way, but they had rarely been generous as she considered generosity. They were hard-bitten men who strode along on their own ways and who looked on misfortunes that happened to individuals as silly foolishnesses on the part of those same individuals. They were men who had fought Nature in her sternest moods whose hands and hearts were grimy with the rock-dust that flew up from under their thudding hammers; whose humanity was rime-ringed like the lank pines that fringed the sharp divide. And Delia was enough of a practical Western girl to feel that after all these men were right in their way. It was men like

these—asking no favors, seeking no soft consideration—who had made this stern Western land.

In California, the Palouse, in the soft up-lands of Oregon and British Columbia, all was different. There men could afford to be generous since Nature herself had flung abroad her favors with a prodigal hand. But Colorado was an unfriendly, frowning land, a land steeped in blood and caked with dust and sweat. Here men robbed Nature, for Nature of herself gave nothing.

Even her father, big-hearted in his own way, would have shrugged his shoulders. "Sorry for that poor devil of a Tony," would have been his verdict, "but what can I do? I didn't ask him to work in the Calderwood. He's got to tote his own pack. I've got my own work to do."

It was not only that Jim had been generous. Generosity gives openhanded. It takes no thought for the future and is usually begotten by a plethora of worldly goods. What Jim was doing was an honest, big-hearted attempt, not to relieve temporarily but to provide, as far as the precarious nature of his work would allow, for the future of his partner's family. Unassisted, Delia knew very well, they would never scare the grim wolf, Want, very far from the door.

It threw a new light on Jim Lofton.

Delia had listened to his stories of his life, always with interest, sometimes with a certain resentful jealousy, at times with a vague pity for a life spent, so it seemed, to such little purpose. Had she been disposed to philosophize, she would have realized that some, after years of apparently purposeless living, suddenly awaken to opportunity and veritably come into a new life. So it was with Jim.

Had Delia been disposed to philosophize, she might



have come to the conclusion that beyond all question all past experiences are valuable but that heretofore Jim had never appreciated the past years at their true value. That to some it is given to go through life as one goes through classes in a school, acquiring perfectly useless pieces of information which they tag and store away in their minds in the vague hope that some day they will be useful, like the magpie's foolish hoard, while to others it is given to pass over an apparent hiatus of years and then to suddenly awaken with their minds and hands full of precious experiences—at the God-given opportunity.

If she had known all this, she might have come to the conclusion that Jim Lofton had suddenly stepped from the first into the last category.

Not being a philosopher but a normal pretty girl with ordinary, healthy feelings, she decided very quickly that Jim was the finest man she had ever known, a man whom she could trust; a staunch worker, a friend worthy of the name.

She breasted the long slope with a song in her heart.

Up, up, up she went. Through the belt of aspens near the little stream that was soiled nearly black with the silt-washings from innumerable mines, through the clumps of scrub-oak and black-jack, pausing occasionally to pluck a piece of Squaw Pink or Indian Paint-brush whose scarlet showed like blood against the gray of the rocks, she passed over the crest and topped the rise.

The long stretch of the valley with the golden sun fairly dripping through the branches of the pines lay at her feet. Stark and staring, the skeletons of the buildings stood out in strong relief.

She stood there, her eyes sweeping the landscape. Then sighing lightly as she saw a woman leave the doorway of the Serafini cottage, she turned—and faced Jim.

For a brief moment both stood silent. Delia recovered herself first.

"Look!" Her finger stabbed the dusk toward the craggy Sangre Christo range, white with the everlasting snows of uncounted ages. "Peaceful, isn't it?"

Then suddenly sweeping her arm scythe-like at the broad expanse of the valley where the humming and roaring of the machinery had ceased for the night she went on:

"A year ago all was peaceful and quiet and contented here. Men at work, women keeping house and rearing their children. Now it is anarchy and riot. That's what Mr. Drake said this morning. Anarchy and riot. What does it all mean, Mr. Lofton?"

Jim recalled how, when the doctor reported to them his verdict of Serafini, Delia's pitying question, "What will he do?" had been addressed, not to the doctor but to himself. It was her appeal to his strength. The same note was in her voice now.

He looked down at her golden hair fluttering in the light breeze "like curled sunlight" the utterly absurd simile popped into his mind. He noted the brave eyes, blue-gray with the sweeping lashes that touched her cheeks at times.

He did not reply. Words crowded into his heart and to his lips. But they were words that had nothing whatever to do with the question she had asked.

He looked across the grimy sweep of the Calderwood mine; at the drifts scarring the hill-sides; at the naked skeletons of the coal tipples; at the gaunt rickety fences; at the slag heaped in fantastic piles, looking at this distance like unclean warts on the face of a brooding, stooping giant. The whole was unutterably dirty and hideous. In his heart there surged up a wild desire to shove it all behind him, to pull out once more on the

Long Trail—south, the Transvaal, Chili, Venezuela. No matter where, so long as it was south. Out where the world was blue and golden; where the night was all purple and silver. Where people hated less and suffered less and fought and struggled less than here in Colorado. Yes, to go south with her—with Delia—the girl of the golden hair and the blue-gray eyes.

He smiled rather ruefully and choked back the thought. He was a failure. What right had he, a failure, to think of such as Delia—and love?

His mind had halted before thinking the word. Now the word was given place in his thought, the quick conviction came to him that it had been love all along; that it had been love that day on the train when he had first seen her.

In the past he had dawdled along life's highways picking flowers as he went, only to cast them aside a little farther on. Now he suddenly knew that he had come to the parting of the ways where every man must some day stand to choose the path that he will tread. Yes, it was this girl, Mike Stratton's daughter, who marked the trail that was in future to be his.

He opened his lips to say what was in his heart. His fingers came in contact with the barrel of his rifle that was slung across his shoulder. With that cold touch came the thought that he was merely a mine guard at seventy-five dollars a month.

"You haven't answered me, Mr. Lofton," she repeated. "What does it all mean?"

She pointed again at the valley where the miners' cottages and strikers' tents, still farther off, squatted beneath the indifferent pines. Jim cleared his throat.

He answered slowly, choosing his words carefully, for there was the danger of a personal note, a personal feel-

ing, surging from his heart and crowding his studied words to one side.

"It means just what it has always meant, I reckon, Miss—Delia. Ever since the very first moment when this old world of ours whirled, white-hot out of chaos. It means that no matter how much we seem to have progressed, each step is but a preparatory stage of evolution for the next. It means striving—striving by fair means and foul up through a mass of evil, of wrong. It means striving anyway, careless of the weapon used, be it hatred or injustice—even murder. Often slipping back, I know—"

He paused and, before he knew it, the personal note had crept into his voice after all, and stayed there.

"I know," he repeated with low emphasis. "I too am striving. I came here to earn money because I was hungry and there was nothing else to do. I have remained because of pride—one might call it that. Pride of strength, of work and obstinacy too. Now I am still striving—Still striving because I mean to—"

He was silent. The girl looked up at him and she saw a curious light blazing in his gray eyes like sheeted flame.

"Striving for what?" she asked softly.

Jim shook his head.

"Little girls shouldn't ask questions," he replied with an elephantine attempt at jocularly.

They walked down the hill together, neither saying a word.

## CHAPTER X

### BENJAMIN GRAVES MAKES A MISTAKE

THREE months passed, months of peace and quiet. Nature herself, rather unwarrantably, Jim thought, did her best to fall in with the general pattern of things. There was never a storm. The evening winds boomed softly and the thick mist that drifted down the valley every morning seemed a screen that cut the Calderwood off from the rest of the world.

Jim was as watchful as ever.

Since that evening on the crest of the divide, he and Delia as though by mutual consent had made a point of never being alone together. But alone with his thoughts as he went on his nightly guard duty, he realized more and more that the work he had begun for the pay that was in it, the work that he had continued from mere pride and stubbornness born of a desire to make good, with hatred for the men who had blinded Serafini, and a sturdy dislike of being bluffed or threatened; that this work, prosy and disagreeable as it was, had taken on a new and a more personal note.

As he tramped about the ridges, around the mine entries and the tipples, the thought recurred to him time and again that while he was doing it for pay and because of duty yet he was also doing it for Delia. She was a part of the Calderwood and what endangered life there endangered her too. He was protecting her. So he watched, night after night, but without detecting any signs of the storm that he felt sure was brewing out beyond the fence.

"I'd like to know what their next move will be," he said one day to Stratton whom he met on the path returning from the workings. "I'm sure they're planning some special form of devilment. I'd like to anticipate it, as we did when they tried to dynamite the office."

Stratton was staring toward the gate of the enclosure. Suddenly he broke into grim staccato laughter.

"Why didn't you anticipate *that*, son? If that ain't some of the work of them Dago strikers I'm a Dutchman."

He pointed to the gate. Jim looked.

A short squat Italian workman came running clumsily up the path. He stumbled over a loose rock and plunged to his knees almost at the feet of the two Americans. He was bareheaded, dressed in soiled clothing and had a great smear of blood across his cheek. Low down upon his forehead an open cut was bleeding freely. He was breathing heavily as a man does when badly frightened. Jim hauled him to his feet while Stratton growled:

"Who in hell're you?"

"Giorgio Nostalo, Signor. Ah, Signor, 'e mans beata me up. I cama da queeck to work but da mans catcha me by the gate an' swatta wit' de rock. Bambini—boys—trowa de rock an' w'en me an' Lustro chasa de boy—de men licka me an' Lustro—"

"Where's Lustro?"

"Him no coma inside da fence. Him runna to de hill—Runna like hell—"

"He's probably about in Boise, Idaho, now by the rate he must have been going," interjected Jim. "They sure can run when they have the fear of God in them. What was the row about, Giorgio?"

"Ah, Signor, da strikers in da tent-houses on da hill

say if we all taka da work an' getta da mon', dey feex us so we no can work. Dis maka four time I have to run, me—"

"What the devil were you doin' outside the gate?" queried Stratton. "You've been told a dozen times that if you went outside the gate they'd mob you but you always take a chance—"

"Dees be Sunday, Meester Boss. Good Italian mans go to Mass. Den w'en Mass over we taka da walk in da hills so much like da hills by Volturino. Da mustard an' da flowers come in now. We taka da walk out—taka da run back—"

He grinned sheepishly.

Jim grounded his rifle with a sudden surge of anger.

"It's a damned outrage," he said, "that men who have been working hard all the week can't take a walk on Sundays without being mobbed. They ought to send troops in here—Federal troops, real troops. Not the National Guards who naturally have affiliations with every one and who're afraid they may shoot one of their own friends if they open fire. Yes. Troops and martial law! That's the solution for Colorado."

"They ought to do a lot of things they don't do," commented Stratton sententiously. "Still"—he smiled grimly and cleared his throat—"there's wrong on both sides. I didn't get to be a Pit Boss without havin' been first of all a miner. You can get any point of view that you want on this question; any dope you please. These foreign strikers—they're the cause of all the trouble. I'm for law an' order first of all. After that I'm for the Calderwood, but there are other points of view too—"

Jim shook his head. Like many very positive men, when he looked at one side of a question he saw but that,

"—I'll say this too," Stratton's breath drew hard, "an' I'm talkin' as a Union man—"

Jim uttered an exclamation. He had never suspected this.

"An' I tell you this. Capital, Labor or Foreign Striker—there's just one solution to the whole problem. It's a big problem too an' it'll take men who *are* men to work it out. By that I mean men who're big enough to do their full duty, without stoppin' to think or to care how many votes it will swing for or against them at election time. There is only one solution and that is"—his voice was low and almost solemn—"America for *Americans!*"

"I know that sounds like the idea of a dreamer, but did you ever stop to think how you make a good, rich soup? There's a time for puttin' in meat, a time for addin' vegetables, a time for thickenin' an' a time for seasonin'. An' then comes the time for boilin'. All right. We've been undergoin' that boilin' process for some years. We've got the stock now—Soup stock; National stock—call it what you will. We've been makin' that stock for two hundred years. When the stock is made, nobody but a damned fool of a cook throws a lot of garbage into the stuff that's ready for eatin'. Get me?"

"Giorgio, you'd better go on up to the hospital an' let the doctor see that scalp-lock o' yours."

He strode off up the path leaving Jim pondering. Stratton's remark made him think deeply.

Suppose, just suppose for one moment, that these two tremendous forces, Capital and Labor, one representing the force that from the very beginning of all time had swayed men's destinies, the other the most tremendous power in the world—suppose these two who had from



the very birth of time been antagonistic, one striving for wealth and the consequent power that it brings; the other largely inchoate but still striving for betterment of all conditions, could be fused into a common force actuated by a common desire. Suppose that common desire could be what old Stratton had expressed as:

"America for Americans!"

God! There *was* the solution of the problem and of all other problems too. Exclusion of all unworthy foreigners; strict adherence to the doctrines of Brotherhood. Why, good God! In old Stratton's words lay the very Soul of the People! And the Open Sesame to that temple lay in the words:

AMERICA FOR THE AMERICANS; against the world if need be.

It would be difficult, of course. All innovations are difficult. The aristocrat, the real aristocrat, is he who would not have conditions changed because by that change he stands to lose something that he already owns. The plebeian is he who, having something to gain, puts his shoulder to the wheel and in turning his own wheel sends the general load forward and upward a little, raising every one of his class.

Jim knew very well that the stock phrase, "There are no classes in America," was plain bunkum. Class must exist wherever two men live.

He felt that class distinction even in his occasional talks with Constance Drake now that he had joined the ranks of the workmen. The feeling was not in the girl's heart but he felt it just the same. It never is present among decent members of the upper class. It was in his own heart, always reminding him, never ceasing. He felt it in his brain and in his soul. He felt it too in the ugly sagging of his soiled overalls; in the grease spots where the rifle lay across his shoulder; in the grimy dust

that coated his hands; in the shoes cut and cracked with climbing.

Friends? Yes, they were friends. He was an ordinary laborer while she was the daughter of Percival Drake, mine superintendent, and the niece of Benjamin Graves, owner of the Calderwood. By a logical reflex, he felt more than ever at one, socially and economically, with Delia Stratton whose father was Pit Boss; and the seventy-five dollars a month that he earned seemed less and less like a pittance and more like a wage; a wage to be increased by fighting till it should grow into enough to support two—or more.

But he would fight for it by himself. He would ask no one to help him. He was a free man; a man who believed in sturdy Americanism. He would win out, for he knew that the day had passed when Labor was merely a cry in the dark to which the hearers could be oblivious. True, it was still a cry but it had grown and swelled into a cry that compelled attention, the cry of men striving always toward the light.

The very air was tense with feeling that all over the country men were sitting in judgment, aghast at the sight of an Anglo-Saxon sovereignty so far sunk in sloth and self-seeking as to be openly oblivious to the disgrace in its midst—Colorado. And now he was part and parcel of it and the rifle on his shoulder spoke of the particular part that he was playing.

Jim smiled grimly. It was as incongruous as life itself. For this rifle represented not only his willingness to fight for the Calderwood as a worker hired by the Company but also his perfect readiness to fight for himself against this foreign mass of anarchists living in their tent-colonies along the mountain sides whose main hope was to keep him from working. He felt that he himself as an individual was doing more to better his own

class—the working class—than all those disciples of Karl Marx who had been led astray by others like themselves.

He made his rounds among the little houses.

All was quiet there and he strolled back alongside the office. From the open window came a voice raised in argument.

“I tell you, Knowlton, it can’t be done—”

It was Drake speaking to Knowlton, his assistant.

“You can’t raise either their rent or the prices of things in the Company store. It is not only unfair but it is impolitic. We got the men to come here and they can not leave here to purchase things elsewhere. They’ll be mobbed if they leave—”

“That’s exactly why I say it *must* be done. You have the whip-hand. You are not making anywhere near a safe profit. From the small out-put of the mine there is daily danger that the contracts may be thrown back on our hands. If we raise the rental of the houses and increase the prices in the store, say only five per cent, it will make all the difference between being sure and being sorry. I strongly advise it.”

“Well, I won’t do it. That’s flat. To-morrow will be payday and Mr. Graves will be here. You can put the matter up to him. He’s the one to decide but I shall strongly advise against it. By the way, the question of drafts is sure to come up for discussion, I suppose—”

“Of course it will. Doesn’t it come up every payday?”

Jim knew all about that question of drafts. It was an open sore in every mining camp in Colorado. It had been made the subject-matter of speeches from pulpit and civic forum and lecture platform; of endless lobbying for and against; of editorial leaders and pamphlets; of lies and semi-lies and even of murder. It meant that

a miner having pay due him between the regular pay-days, could get an order on the Company store for the amount of his pay—say forty dollars. If he purchased merchandise, he got full value—at Company store prices. If on the other hand he needed actual cash, he presented the Company draft for forty dollars at the Company Store and got—thirty-seven dollars and fifty cents. In other words, the Company discounted its own paper. There was no justice in it, of course. It was sheer, plain robbery but like other injustices it had the sanction of extreme age. To-morrow the question would come up again, together with that of raising the rents and the store prices.

Jim whistled softly and looked out across the fence where the huts and tents of the strikers jostled vaguely in the moonlight. The next day's sun would see the arrival of one man, Benjamin Graves, owner of the Calderwood, representing in himself the might of Capital and this one man's will; his greed or stupidity or stubbornness might decide the future of the three hundred men he had induced to work here at Calderwood. The action he should decide to take might well result in good workmen being driven by sheer want into the ranks of anarchy and potential rebellion.

It might decide even more than that. The workmen were Slavs from all the Balkan states, Poles and Sicilians. They were difficult to organize but easy to inflame, men who judged by the law of their hands and not by the law of their brains. There was just that flimsy fence and a few mine guards to stem the rush if those men outside the Company grounds should choose that moment to swoop down upon the place.

The next day, a panting motor puffed its way over the divide. It was greeted with hoots and jeers as it passed

the railroad station and was followed by a shower of rocks from the tent-colony of the strikers along the crest of the low hill. The three occupants of the machine were bending low in their seat as it ran rapidly through the gate and up the hot, sandy road to the office.

Jim reached the office at the same time, coming up from the other direction.

"I want you in here during the payment, Lofton," said Drake. "Mr. Graves came with the paymaster. If there should be any further demonstration among the men in the tent-colonies, you will have to help take the paymaster's party off the grounds."

Jim found himself quietly taking stock of the mine owner.

He was a middle-sized man, gray of hair, gray of eye, gray of countenance, and Jim felt vaguely that in the color scheme of things he was all gray. An aquiline nose, curved like the beak of an eagle, showed a predatory nature, and a mouth that closed like the jaws of a steel trap denoted ability to keep what might have been gained.

The paymaster, a stout, red-faced young man belted openly with an automatic pistol, deftly made his arrangements for payment, stacking his notes and coins on the little counter that crossed the office. Presently the stamping of heavy feet in the hall told that the men were waiting.

The payment did not take long, for the men were few and the paymaster was an adept. At the end of an hour and a half, Graves, who sat stolidly on his stool puffing at a long cigar, pushed his cap to the back of his head till it seemed to hang there by a single hair and said briefly:

"Now, Percival, I want to see Connie and then I'll be off again. It is not what might be called a perfectly,

healthy place for me to spend the night and I don't want to stay over if I can help it."

Drake smiled. "I hardly think, Ben, that Connie will let you off spending the night. She's been looking forward to it. Lofton here, our new guard, looks after us pretty carefully. It was his plan that kept the strikers from blowing up the office and that enabled us to capture the man who tried it."

"Ah . . ." Graves turned quickly. All his movements were cat-like for quietness and quickness. "I heard of that." He scrutinized Jim from head to foot. "Like your job?"

"Not a bit," said Jim grimly. "I feel as though I need only a dog-collar and a chain to make me begin to bark."

Graves laughed. Then he turned to Drake. "By the way, what was it that Knowlton wanted to bring up with me to-day? He said something about a matter of charges and rents, I believe. Or was it the drafts?"

"All of 'em. It's the old story," said Drake. "He wants to raise the rents of the houses and to increase the prices of all articles in the Company store to such an extent that it will cover the deficit on the Morbe-Gay contract. We're running behind in our shipments—"

"What's the trouble?"

"Green men. Unskilled labor can not get out the amount of coal we need to make the prices. It's damned folly to raise the cost of living though. Ship in more men and raise the wages so as to make good men want to come. More good men. That's what we need."

Mr. Graves thought for a moment and did some rapid calculating on an envelope with a fountain-pen. A moment later he leaned back thoughtfully in his chair.

"The present rental of the houses is not paying the interest on the mortgages on the buildings," he said

quietly. "You will raise the rental on the ten-dollar houses to twelve dollars. The prices at the store will be maintained as they are. Publish the notices this afternoon. The store-drafts will be discounted as before."

Drake looked at his brother-in-law. He cleared his throat as if about to argue the point but something kept him from speaking. It was Jim Lofton who, partly because of the expression on the Superintendent's face, partly because of a surging, irresistible impulse, stepped forward and addressed the owner of the Calderwood.

"I wouldn't do that if I were you," he said quietly with forceful insistence. "I know it's hard on you and on all the holders of the mortgages but if you make it any harder than it is now for these men of yours to live, you'll drive them against their will into the ranks of those damned anarchists across the valley. But . . ."

He paused, conscious of his helplessness. There were a dozen things that he wanted to say; things that needed the saying and by a workman too. But a sudden confusion came into his mind. Strange thoughts came, unwelcome visitors crowding to the front for expression, impeding his reasoning power and his tongue and before he could correlate his ideas Graves cut in with sharp advice to him to attend to his own business.

"You're a mine guard here, Lofton, not a member of the Board."

"I know," Jim stammered, "but I have seen and I have talked—I have . . ."

"Clear out now unless you want to lose your job," curtly commanded Graves. Jim left the office.

There was nothing else to do. The man was his employer and he was merely a worker.

As he headed down the slope, a grimy little youngster ran up to him and handed him a bit of paper, scurrying

off immediately behind the nearest building. Jim opened it and read. It was another communication from Ben Easy. This time it was signed with his name, and it bade him meet the writer at three o'clock at the same place where they had had their previous exciting interview.

"This ain't a plant," the missive wound up. "It's most important that I see you. Important for you and for me too."

Afterwards Jim could never explain whether it was curiosity that made him go or the passably comforting thought that lightning never strikes twice in the same place. Neither, he thought, are honors dealt twice in the same deal. Perhaps it was the irritation that he felt over the way Graves had spoken to him.

At all events he decided on the spur of the moment that he would forget his last experience with Ben Easy and that he would keep this appointment. Consulting his watch and finding that it lacked just twenty minutes of three o'clock, he took a look at the clip of his automatic pistol, picked his way up the hillside and disappeared among the trees.



## CHAPTER XI

### JIM LEARNS MANY THINGS

THERE was no one on the hilltop when he reached the place. He seated himself again upon the log, letting his memory wander back over the two previous occasions when he had been there. The first time, the day of the fight, he passed over with a grim chuckle. The last, when he talked with Delia, was an oasis in a wilderness to him. To this last his memory turned, as memory will turn to the most painful episodes in a man's life—or to the dearest.

The sun was fast pitching to the west over the tall trees on the far crest when a quick step on the gravel behind him sent his hand to his pistol holster and brought him to his feet to face Easy.

"Hello, I'm glad to see you, Lofton!"

Easy came forward with outstretched hand. "I'm sorry we had that mix-up the last time you came up here to meet me."

"Never mind ancient history," cut in Jim. "Heave ahead. What do you want to see me about? You say it's important for us both."

"Why—Well—You see it's rather hard to put it into words, Lofton. I don't want to see you get in bad. You've raised perpendicular hell about here. There's no disputin' that fact. The whole tent-colony's down on you an' they've passed the word to all the other tent-colonies up an' down the valley. You're a marked man, Lofton. Before it comes to a show-down I wanted to

give you a warnin' so you can pull your freight. It's a lot healthier down South, Lofton. Leave here or—Look out! You needn't think that I'm aimin' to make trouble fer you. I like you too much. It's—"

"I know. It's Bodart."

"Bull's-eye the first shot. Yes, it's Bodart. At first we could hold him. Now we can't. Ever since you pinched that guy tryin' to blow up the office, Bodart's been neither to hold ner to bind. Take my advice, Lofton, an' git out. They're havin' a meetin' to-night and I'm afeard somethin'll happen. I wanted to warn you an' I've taken a chance to do it. You treated me white an' shared your last dollar with me an'—"

"And then you turned right around and sold me out to those men over there," Jim interjected with bitter emphasis.

Easy had the grace to blush.

"Aw, fergit it, Lofton. I ain't no saint with a golden what'd you-call-it around his head. You know what I am. But honest—believe me or not, I don't want to see you get into trouble that my warnin'll keep you out of though your reach is lengthened by that shootin' iron o' yourn. But, man, it won't help you a bit against the gang that Bodart's got. You may wing one of 'em. Say you do get two or three. The others'll get you just as sure as a gun's iron. There's too many of 'em, Lofton! They ain't only here. They're all over the State wherever there's a tent-colony with men out of work. You know what them foreigners are when men like Bodart git a hold on 'em. They'll dominate the State in two years."

The man was evidently sincere. Jim smiled at his frankness. It was the same argument all over again, useless to try to convince him otherwise. He wouldn't, couldn't see or understand.

"Well?" queried Easy.

Jim knew that he would have to say something.

"You think they'll own the State, do you?" he remarked placidly. "Well, all I've got to say is that I'm damned sorry for the State. But they won't. Don't you believe it for a minute." He broke off, gazing thoughtfully down the valley.

"Then you try to help me save my own hide. You say I've been white to you. But how about Stratton? He's been white to me. He got me that job of mine guard by putting in a word for me with Drake—"

"Drake?—Drake—?"

Easy's voice chimed in like an echo.

"What did you say? Drake?"

The strained excitement in the man's voice made Jim look up.

"Yes," he said, nodding. "I said Drake, of course. Drake, the Superintendent of the Calderwood. Any reason why he shouldn't be?"

"What's his other name? Quick, man! What's his Christian name?"

Jim laughed.

"Lord, but you're curious to-night! What earthly business of yours or mine is his Christian name? It's Percival, since you *have* to know. Hope you like it. Percival! Get it! And his daughter's called Constance. She's here with him. Does that satisfy you?"

Apparently it did. There was a short pause. Easy looked at Jim, wide-eyed. He opened his mouth and his lips twitched convulsively.

"God Almighty!" he said. Just the two words. Not another syllable.

He had turned deathly pale.

Jim felt mildly irritated. What was Easy trying to do? Was he trying to make a fool of him or—

"What's odd about that?" he asked sharply. "Drake is the Supe. Don't you understand? It was he who promoted me from that hole where your friends nearly killed my partner, Tonio Serafini, to a job as a mine guard. . . ."

Easy still said nothing.

"As to your friendly tip, old man. Well, I'm sorry, but it isn't to be thought of. Give my love to your friends over there and tell Bodart that if he's got any heirs that he don't like, he'd better keep from in front of my rifle sights unless he wants 'em to inherit. By-by."

He sauntered off down the hill.

Jim did not even pay Easy the compliment of turning around as he strode off down the hill among the jagged, crumbling rocks that studded the slope. Had he done so he would have seen a curious expression in Easy's eyes, a look of puzzlement, fright, and total incomprehension.

In the man's mind was a crazy commingling of thoughts of the past with thoughts of the might-have-beens. Swelling high above them all was the feeling that no matter what should happen now he must get away from the Calderwood, he must shake the dust of the place off his feet. Honestly or dishonestly he must get the means to leave this accursed land.

Meantime Jim kept on his way down the hillside, meditating now what Easy had told him of coming trouble, now the curious look of the man and his choked utterance when he had learned the Superintendent's name.

Jim felt sure that there was some connecting link that bound the two—Drake and Easy—and he reproached himself that he had cut the conversation off so abruptly. He should have learned more.

Delia found Jim very unresponsive at supper that night. Puzzled at his inattention, she gave over any attempts to draw him into conversation. But when he and Stratton strode across the porch after supper she heard Jim's voice say:

"Miss Constance Drake—tell me, Stratton—" the bitterness of jealousy leaped full-fledged into being.

"D'you know of anything special, Stratton? Anything, I mean, that concerns those strikers over there and Miss Constance Drake? Tell me, Stratton?" had been Jim's full question.

The Pit Boss shook his head. So far as he knew there was nothing. How could there be? There was just the hatred of the foreign element who would not work against men who did wish to labor. There were the same attempts of American labor to get the situation under a controlling hand that had been tried before. Their most earnest efforts had been set at defiance by Bodart and one or two others who were fomenting discord in and among the tent-colonies. Constance was well liked, he was certain, by all who knew her and no one would do her harm. But no one could tell in times like these what might develop. "Why do you ask?" he had asked.

Jim told him briefly of his talk with Easy and said that from what he had heard he feared some new devilment was afoot.

"And we'd better be prepared for it," he concluded.

"Might as well try to be prepared against an earthquake," came Stratton's cheerless rejoinder. "You can't do anything till there's something to act against. You can't guard against a skunk."

But Jim was not so easily discouraged.

"Look here," he said, "we've got to do something. Our men are gettin' worse every minute—more dis-

satisfied, I mean. We can't hold 'em much longer."

"You can bet your boots on that!" was Stratton's grim response. "The house-rent's gone up a two-dollar notch and there's the old trouble about the discountin' of the Company drafts at the store. Look yonder—"

He pointed to the squat, gray boarding-houses on the hillside where groups of excited, gesticulating Slavs and Sicilians were gathered in front of a bulletin announcing the decision made by Benjamin Graves. Every once in a while some muscular arm shot out like a semaphore in a gesture of wrath to be answered with hoarse cries—the inarticulate voice of a mob that tells that something fundamental has gone wrong. The man against whom that voice is directed had best get up and go as far away as he can.

The miners surged to and fro, the crowd trembling and flickering with that hidden, dark-smoldering threat peculiar to the mobs of Southern Europe.

Beyond that fence, ready to take instant advantage of an opportunity to fan the smoldering embers into a fierce blaze and to unite those still vacillating with the malcontents and anarchists, stood Bodart with his men.

Jim voiced the opinion of the two onlookers.

"Well, what can you do? We can't tell Graves to quit fooling with this powder barrel—"

The old man laughed derisively.

"*You* tried it an' darned near got fired for it. An' yet—Oh! the fool, the damned fool! Don't he see that his dollar pinchin' is only drivin' men from bad to worse? The very worst use you can put a man to is to hang him. Oh, hell! It's no business of mine," he added, with a touch of Celtic fatalism.

Jim touched him on the shoulder lightly. "You take my place for a while to-night. I want to sneak down

among the tents. They've got some plan afoot. I may be able to find out something worth while—"

"They'll ketch you as sure as God made little apples," said Stratton energetically. "An' if they do don't look for mercy from that bunch of cut-throats."

"Oh, I guess I can take care of myself. I'll slip down there after dark and take a look around the place. All miners look alike in black caps and layers of dirt. I'm as bad as any of 'em."

He turned toward the house and paused long enough to add:

"Don't say a word to Miss Delia about it."

"Huh. What d'you think I am? A talkin' machine? Come on back to the house before the women see there's something up."

Delia, swinging in the cheap little hammock that constituted her father's only concession to hot weather, seemed unusually taciturn. She hardly looked up as Jim seated himself on the porch at her feet.

Jim was not a psychologist. He knew little about character reading and less than nothing about the emotions of young girls but he was conscious of having in some way, offended.

"I haven't seen you for days," he said at last desperately.

"Whose fault is that?"

As he did not reply she continued imperiously. "Tell me what you have been doing and who you have seen in the past week. I have seen nothing of you except at meal times."

This was her tentative way of giving him a chance to speak of Constance Drake—if he chose.

He did not choose. So, disappointed, she took another tack.

"Have you had any trouble of late? You men should

keep us informed of what goes on at our very doors. We have no other way of finding out."

"There's little enough going on. The strikers continue to strike; the miners to mine—so far, at least. The operators are operating, and you"—Jim felt himself coloring under her level gaze—"look as charming as ever—"

He was as clumsy as a boy at turning a compliment to this pretty girl and he felt angry at the thought.

"And I myself—"

He stopped abruptly. He knew that this intended trip of his to the tent-colony was dangerous. He might never come back. Here, just next to him, was the girl who was dearest to him in all the world and he had never uttered even one word of love to her.

"And you yourself—?" came her clear voice.

"I? Oh, I continue to pack my gun and eat my grub." He tried to force a laugh but his attempt at easy unconcern had been too obvious. Delia saw through it.

"What is the matter, Mr. Lofton?" she demanded sharply.

He rose.

"Nothing, Miss Delia. I've got to go."

He clipped his words short as though they pained him.

"I get paid for being a mine guard. Time to get on the job."

He rose and left her. As he turned into the road she noticed that he was not carrying his rifle. A little later her father came out upon the porch with Jim's gun in his hand.

"Father, what is the matter? Why are you carrying that rifle? Where is *he* going—Jim?"

"Who?"



She stamped her foot. "Jim—Mr. Lofton, of course!"

"He thought he could help matters a bit. I advised him against it but I guess he's got too much gray matter under his hat to get caught."

"Caught? By whom? Where has he gone? Who would touch him?"

"Those that want him and want him bad enough," said Stratton grimly as he strode toward the gate.

Jim hurried past the office and the long boarding-houses where the miners were gathered in excited groups. Now he was outside of the gate and in the domain of the tent-colonists. He pulled his black cap down over his eyes and slunk away from the beaten trail, keeping always in the shadow of the scrub trees and heading for the line of trees at the base of the hill.

Faint, reddish lights showed through the worn canvas and a hazy, low-voiced murmur of subdued conversation drifted to him through the night.

He drew his breath sharply. So far all had been easy enough. The harder part of his work began here.

Bending low, with his hands almost brushing the ground and his chest nearly level with his knees, he crept along the narrow paths that intersected the brush till voices from a big tent told him that he had reached the place where the men had gathered.

"It ain't fair to work it like that," a raucous voice rang out sharply. "It's a nasty job at best. Even if we work it the safest way, it's bad enough. I vote against it anyway—"

"It don't make no difference how you vote, Pete. It's goin' to be done like we've said. It's just a question of who's goin' to do it."

The voice was the voice of Bodart. Jim had cause to remember it. He leaned a little closer.

"It's been decided that it's a job for five men," said a voice. "An' the on'y square way is to do the way we said. Take them five, let one man's gun be loaded with blank cartridges by a man who don't go with the five who do the real work. Then the work'll be done an' each man'll think he was the one that on'y had blanks in his gun. That's the only way to do it. But who're the five to be?"

"We won't know till mornin'," said Bodart after short, tense silence. "At four o'clock the gang'll meet down at the station platform. We'll fix it up there. We can't trust them Dagoes in a real job like this. Anybody kin buy 'em up an' make 'em tell what they know. I'm thinkin' after this they'll figure—them owners an' the Union too—that we know what we want an' come damn near knowin' how to git it. They'll eat outen our hands in a year from this. You fellers meet me at four o'clock like I say. We'll decide on the five men then."

Followed a rumbling of assenting voices and a scraping of feet on the hard-packed ground. The meeting was about to disperse. Jim sank back into the purple shadow-blotch. Quickly and noiselessly he crept back and flattened himself in the night.

A trip-hammer was thudding at the base of his brain. It was not fear that caused it. All personal emotion was merged in burning indignation against the enormity of what he had just heard.

Murder had been discussed, voted on, decided, with all the calmness with which men vote on questions in a legislature. The sheer horror of it appalled him. Who was to be murdered? Where? When?

He must find the answers to those questions before the murder could be prevented. That was the one predominant thought that was in his mind. Nothing else mattered. He lay behind that log, thinking more rapidly than he had ever thought before. Finally, his mind made up, he crept off into the night toward the railway station.

"They," whoever they were, were to be at that station platform at four o'clock. He was sure of that fact.

It was a sordid little building with a rough plank platform in front of it and behind it a shabby hotel facetiously labeled on the side toward the station, "First Chance." The side toward the mining camp was marked "Last Chance." A rudely painted glass of beer showed wherein both chances lay.

Carefully noting his surroundings, he selected a seat in the shadow of the house from which he could see the road in both directions and set himself to watch.

The hours crept on leaden feet. Clouds were riding across the face of the moon and the snow-backed mountain air drove sharp and chill across the valley.

Jim longed to smoke but dared not, so he sat shivering, partly from real cold, partly from excitement, till his watch showed half-past three. Then going stealthily over to the station platform, he stretched on it full-length so that he would not show against the sky-line and lay there, patiently watching the road that wound up from the tent-colony like a crumpled gray ribbon.

Slowly the minutes dragged. Then, with a quick sense of relief, he discerned a group of figures moving down the road. Silently he rolled to the railroad track and wedged himself in the space between the edge of the platform and the ends of the cross-ties. A splinter stabbed through his heavy overalls and tore through the muscles of his thigh but he hardly noticed it.

The men reached the platform and were moving toward his end. After a moment's thought, Jim crawled under the platform itself and worked his way toward them till only a two-inch plank and about three feet of space separated him from the group.

"All right, Frank," said a low voice. "You're the last. We're all twelve here now. Who's got a lamp? We've only got fifteen minutes till the train comes in. Go to it—"

There came a hiss of gas catching fire, as some one lit a carbide lamp.

"Take a look along the tracks, Bently, and make sure no one's in sight—"

Bently did so and Jim mutely thanked his stars that he had thought to crawl under the platform.

"Dice?" suggested a voice tentatively.

"No. It takes too long. Make it Black Jack. Throw 'em out, Pete. It'll take five deals. Keep on dealin' till Black Jack falls. Go on."

Once, twice, the deal went round. Jim could hear the cards flipping on the planks above his head.

"There!" The tone voiced great relief. "That's you, Tom Forman! Hurry up, Bodart—"

Again and again the deal passed. Forman was the first who drew the Jack of Spades, card of ill luck the world round. Then were added Bently, Soper and Williams. Jim knew them all. Every one of them had affiliated with the striking foreigners and had become marked as trouble maker men from one end of the State to the other.

The fifth man was yet to be chosen. Time after time the cards fell. Jim heard the men squirming in their hard seats. Suddenly he heard them draw a breath as of great relief; then some one laughed recklessly.

"It's Bodart. Thank God it ain't me!"

"Yes"—Bodart's voice was nasty—"all of you're glad to git out of it. You're every derned one of you glad to profit by what somebody else does fer you. I mean to make that man Ben Easy load them guns so he'll be implicated in it too. He can't join us at the last minute without takin' part of the risk—

"Now listen," he continued. "The train is due here in a little bit. The passengers'll think we're here to see the train come in. Old man Graves is in the camp. He came by automobile an' he'll go back the same way. You four men git your grub and rifles an' meet me at Nigger Head Rock in Lyin' Cross Cañon. The road is narrer there an' we kin look right down into the machine. We could hit him with a rock if we wanted to. The old man ought to leave about daylight. He's stayed here now longer than he ever has before and we'll lay at the Nigger Head all day if we have to. We'll never git another chance like this. We'll git him—mind now! Just one word more before I forget it. Nobody's to shoot at the driver. It's the Old Man we want. The word has come. An' the beauty of it is that all them Wops up on the hill'll git the blame fer it. After this there won't be mine owners runnin' loose around the country! Mind now! Nigger Head Rock as soon as you kin get there after the train comes in. There she comes now—Scatter!"

She came, rushing and clanking down the heavy grade with a roar of escaping steam and the harsh grinding of brake-shoes. When the first noise of its approach was loud enough to deaden the sound of his own scuffling, Jim crept back to the end of the platform and crawled out into the open air.

On the platform he could see the group of conspirators standing, trying to look like ordinary, peaceful citizens

watching the three or four passengers detrain. When the train pulled out to the south they sauntered up the narrow little street toward the lines of the tent-colony while the late passengers headed for the little hotel.

Jim breathed a sigh of relief. At least he knew the purpose of the gathering and the place where the crime was to be committed. There was only one Old Man who would be leaving that morning in an automobile and that was Benjamin Graves, the owner of the Calderwood. Graves must be warned and warned at once. There was no time to lose.

He rapidly looked about him. The strikers had disappeared among the rickety tents. In the distance the lean skeleton of the coal tippie stood out against the opal sky of early morning. Just beyond it was the mine office. He must get there at once to warn Benjamin Graves.

There was no time for him to slink back as he had come, by way of the arroyos and by hidden paths. He must take a direct way. He must watch his chance and when the street should be empty, make a run for it and trust to Fate to play at least some cards in his favor.

Just as he was about to execute this part of his plan, five of the strikers came out of the gray trailing dawn-shadows that cloaked the tents. He dropped behind a rock. The men passed on down the middle of the road and stood talking in front of the hotel. It was full fifteen minutes before they moved on toward the mine.

Another fifteen minutes was thus lost; fifteen minutes that to Benjamin Graves might mean the difference between life and death.

Finally Jim took his luck in both hands. He broke from cover and walked direct toward the hotel. The straight path to the main entrance to the Calderwood

lay past the hotel. If he remained in the street any longer, some one would be sure to see him. Frankness was best.

He walked boldly into the hotel office and was surprised to find there the two passengers he had seen get off the train. They had preceded him to the hotel and were sitting, doleful-visaged, in the hard chairs before the office-counter. Behind it the clerk was moving sleepily about. Early morning visitors at Calderwood were a rarity. Several packages and large bundles standing by them convinced Jim that the men had come for a stay.

They were not mining men. He recognized that fact at once. What in the world would strangers be doing here at Calderwood of all places in the world? He walked up to the counter and called to the clerk.

The clerk, who knew him well, raised his brows but said nothing till Jim, pushing his cap to the back of his head, leaned over the counter and spoke.

"I'll be here only a minute, Frank. Can you get me a cup of hot coffee in the dining-room?"

"Sure. Taking a chance, ain't you?"

"I sure am. Hurry up the coffee, will you, there's a good fellow. Who're your two guests? Drummers for a Denver house?"

"No. They're two movin' picture men from Colorado Springs. They came in on the train a few minutes ago. Why?"

"I just wondered."

The two men in question were standing by the dining-room door waiting for it to open. They were evidently hungry. By them stood their suit-cases and a box probably containing their camera.

As Jim waited, he caught a bit of their conversation.

"Believe me," said one, "this is the real dope. Talk about atmosphere. We've sure got it here! It'll mean

five hundred dollars each as sure as shootin'. There's somethin' here that can't be faked—"

"Too damned genuine maybe," grunted his pessimistic companion. "I've seen some mine mix-ups before—up Boise way. An' the less I see of 'em the better I like 'em. We'll be lucky if we get away without somebody bustin' the camera with a rock an'—hello! She's open. Let's eat!"

Jim hastily swallowed his coffee, and came out to pay for it at the desk.

The clerk was grinning as though he had heard a good joke.

"What do you know about those fellows, Lofton?" he demanded. "They've come all the way from Denver to get some stuff for a movin'-picture company. They've got a scenario as they call it, all wrote up. The big man was just tellin' me that they've got five men comin' in autos to meet them. They're comin' from Trinidad. The idea is to make a picture of a holding up a mine paymaster. I reckon it'll be worth seein' when it gets out—"

"Hm! When are they goin' to stage it?"

"They tell me they're lookin' for the rest of the party any minute. Oh, they've got it all planned out. They're takin' my two ponies an' are leavin' right away to get their camera set up at the Nigger Head Rock on the Lyin' Cross Road so they can get the picture taken right away without any delay. What's the matter?"

For Jim was leaning white-faced across the desk, his hand shaking as he grasped the astonished clerk by the arm.

In a machine, he thought. A machine! This was a possible solution.

"Frank"—Jim spoke in a low, intense tone—"look



here, Frank! You keep these men here till I get back. Do you hear me!"

"Keep who? What're you talkin' about? How in the name of Sam Hill'm I to keep anybody that wants to go? What do you mean?"

"Never mind what I mean! You do it! You do exactly what I tell you! Remember it's vital! Hold 'em here if you have to pull a gun on 'em."

"Who? Hold who?"

"Those movie men, you poor fool. Those men who've got an auto coming for 'em. Hold 'em, I say. I'll be back in an hour or less. You know me, Frank. Keep 'em here in spite of hell and high water. I'll be back."

Before the astonished Frank could stop him or ask any more questions, Jim had dashed out of the back door of the hotel and was running at top speed straight up the road to the Calderwood mine.

## CHAPTER XII

### SPEED IS REGISTERED AND A MURDER COMMITTED

JIM went up the road at break-neck speed wondering at each step when he would be stopped.

Luck was with him when he reached the fences of the Calderwood concession. The gate was open and he plunged through it, to the infinite surprise of the old Swede who had been gate-tender at the Calderwood for many years.

"You ban make a goot run, hey?" came his guttural greeting. "Vat ees de horry? Hey?"

Jim waved a hand at him and then suddenly paused and stared. There were the marks of fresh-made wheel tracks in the sandy road that led through the gate.

"Who went out?" he panted.

"Who? Der Boss of gourse—"

For an instant Jim staggered. Then he rushed to the telephone. There was just one chance in a thousand that Drake might be at the office. The half-minute seemed hours before the ring told him that he could go ahead with his talk.

"Who is it?" he fairly yelled.

"Steady, man," came back in Stratton's voice. "Yellin' like that you don't need a wire to talk over. Oh! It's you, Jim. What is it?"

"I have just got on to a plot to murder Mr. Graves. Five men are to ambush him at the Lyin' Cross Cañon at the Nigger Head Rock. Do you know it?"

"Sure I know the place." There followed a succinct description of its location.

"Which road did they take with the motor?" demanded Jim.

"They went over the Deep Creek Bottoms to look at some coal signs over there—"

"How long ago did they leave?"

"A half-hour."

"Know where they are?" Jim was trembling with excitement.

"Yes, but it's ten miles over there, and there're two roads from here. Both roads run into Deep Creek Bottoms and there are two roads from there to the Lyin' Cross Cañon. They meet just this side of the Nigger Head Rock—"

"One moment," Jim yelled into the 'phone as from the other end of the wire a dozen spluttering questions blazed and crackled in his ear. "Keep your shirt on, Stratton, and listen straight. No—no. Shut up and listen to me. I'll take Jugenson's rifle. He can get another from you. There's a moving picture party expected at the hotel. Two of their men are there now. The rest of their bunch is motoring over from Trinidad to meet them here. I'll take their motor. No! No! I'm not crazy—I'm just thinking out loud. What's the motion picture deal got to do with the—? Never mind! Never mind, I say! Tell Drake to wire the governor. Troops! Sure I mean troops. This is cold-blooded murder. D'you think we needed the Salvation Army—"

He slammed down the receiver, seized the gatekeeper's Winchester rifle from the hooks in the watch-box and shouting fierce injunctions to the astonished and protesting Jugenson to get another from Stratton, he

turned in his tracks and dashed down the road to the hotel.

Quick as he had been, a good half hour had elapsed by the time he reentered the hotel office.

"Quick, Frank! Where're those two men—the movie men?"

"They've gone—"

"Gone, hell! I told you to keep 'em here—"

"You didn't tell me how I was goin' to do it," protested Frank not unreasonably. "How was I to hold 'em when they wanted to leave? They got the two ponies, packed their camera on their backs an' hit the trail for the Nigger Head Rock. I'd like to see 'em pull that stunt off. Once when I was out to Los Angeles I saw—"

Jim cut short his reminiscences with a curt "Shut up, for God's sake! You've gummed the whole game. How far away are they by now?"

Frank considered a moment. "About three miles, I should say. They said they'd have to get a move on. Their gang was to meet 'em out there, you know—"

"You said their party was to come here for 'em in a machine."

"No, I didn't. If I said that, I got it wrong. No. They ain't goin' to have their gang come over here. The two men who were here have gone on to Nigger Head. They're to have their camera set up when the crowd from Trinidad comes along in the machine. All these men've got to do is to get their machine in place and be ready to grind when the others pull off the hold-up. What ails you, man?"

For Jim had turned deathly pale. There had been the one chance that he might beg, borrow or steal the motor belonging to the movie people and so get to

Nigger Head Rock ahead of Benjamin Graves and his party. Now this chance was gone. There would be murder done in the Lying Cross Cañon.

He whirled the astonished clerk from behind the desk.

"Get me a horse! Quick, Frank! A horse—"

"We ain't got another horse in the stable. The only horses we got are the two those fellows got."

"How far is it to the Nigger Head? I know the trail but how far is it?"

"Ten miles by trail; five as the crow flies. That's the way them fellows took their camera; across the mountains by the hill trail. You can make it in an hour and a half. What's the matter?"

Jim did not pause to answer. He slipped out of the house and, dodging between the tents of the strikers to the infinite astonishment of the women and children, he turned into the woods trail and took up a steady jog trot along the slope of the hill.

The trail was rough and broken with jagged rocks and slippery treacherous timber-falls and occasional deep ravines. He knew that only by saving every breath could he cover the distance in the time that Frank had optimistically mentioned but he had great difficulty in keeping himself down to a slow and steady trot.

His first inclination was to take the trail at a head-long run. But the hard pumping of his heart and the stinging sweat pouring down his face cautioned him.

He settled to a slower, steadier gait, bending low to the trail. Presently his feet began to answer his will, his heart pumped less riotously and the pain left his side. He had got his second wind.

Down into the stony cañons he went, slipping on the rocky banks, blundering through whispering waters and stumbling up the far slope, pausing occasionally at the crest of a rise to listen.

It seemed to him that he ran for days. As a matter of fact it was exactly half-past seven when he topped White Water, the great peak that could be seen from the Calderwood.

There he got his first clear view of the road that ran through the Lying Cross Cañon. It was still two miles away and, never decreasing nor increasing his gait, fighting the returning desire to hasten, hasten, hasten, he shifted his rifle to the other hand and plunged forward on the down-hill slope.

Running down-hill is much harder work than is running up-hill. It brings into play rarely used muscles that are weak and painful. So Jim found it.

Trot, trot, trot he went, always keeping a careful eye on that yellow ribbon of road that stretched away before him. Now he was dodging gopher-holes, again jumping from bank to crumbling bank of some long dry arroyo.

Below him the trail slipped off into a narrow, rocky cañon beyond which lay the one long ridge that marked the edge of the Lying Cross Cañon. Men called it that because in days long past some would-be practical joker had placed at a fork in the trail a sign that all through the West has been the sign for water. There was no water within ten miles. There were ugly tales to the effect that several men trusting to the lying statement of that sign-post had lost their lives in the cañon. Hence the name.

He knew that from that long ridge he could see the full sweep of the road so, shifting his belt, he crossed the narrow, dry creek-bed and dashed up the far slope, following the trail that led him toward the summit of the great divide.

His goal was in sight at last! He shifted his rifle to the crook of his left arm. Then, as he turned a great

granite rock where the road forked, quite suddenly, out of the nowhere, a black haze shot with sulphurous yellow rose about him unfolding as a cloud unfolds, suffusing sight and hearing.

He was blinded. He tried to fight against it. He knew there was an immense dark shutter dropping in front of his tired eyes and that he must go to Nigger Head. There were hands at his throat—Prying, snatching hands that would not loosen—Death-dealing hands that choked and overbore him.

He trembled and lurched curiously to one side. The next moment he was jerked cruelly to his back. There was a strange, shrinking sensation at the pit of his stomach. The balance and adjustment of his frame seemed to shift and alter. He lost consciousness and even at the moment of losing it he told himself that he had lost and that Bodart had won. It was Bodart after all.

When he regained consciousness he found himself half-sitting, half lying on a semi-level little spot of ground looking into the quizzical eyes of a great, bearded old man whom he had never seen before. His own rifle lay across the old man's knee and the gaping muzzle was not three feet from Jim's stomach.

Behind the man, his eyebrows seeking his hair in his astonishment, stood Mr. Benjamin Easy.

Jim tried to move but found that his hands were tied. He lay there for a moment panting and breathless. Then the full realization of what would happen at the Nigger Head Rock came to him and a great rage rose in him. He gave voice to it.

"Turn me loose, you damned fool," he shouted. "What—what do you call this sort of a thing? Turn me loose, I say." And he rolled over and over forcing

his face down into the sharp sand and stones in his wild but fruitless efforts to free himself.

The old man did not deign a reply. He watched Jim silently, his eyes hardening in the sun-glare. Finally when Jim lay gasping and exhausted, breathless from his efforts, he poked him in the ribs with the muzzle of the heavy rifle. Jim saw that it was at full cock.

"No, you wrastle yourself up-hill again an' lie damn quiet unless you're aimin' to git some lead ballast to keep you quiet. What in hell brung *you* here, young feller? It's a good thing fer somebody that I heerd you in time to rope you as you come around the turn. Yas, sir! Them raw-hide ropes is shore some disturbin' at times. What're you doin' here, I say?"

"None o' your damned business." Jim wrenched his body the other way till he faced Easy.

"Easy," he shouted, "give me a hand here! You dirty, white-livered hound." He choked with the pent-up fury that consumed him. "What do you mean by—"

"Say, now. Oh, Lofton—" Easy's face was as white as chalk.

At his words the old man turned.

"Lofton? So you're Lofton, air you?" he broke out with a coarse laugh. "You're the mine guard, air you? Well, I kin figger now what brung you here an' why you come tearin' down that trail like the devil was after you. An' I reckon you know all about what brung *me* here an' a few others too—"

"Damned murderers—" Jim spat squarely in the wavering muzzle of the rifle. "By the God of Justice I'll hang every one of you that's mixed up in this—"

"Aw! Shut up! You're worse'n a talkin' old woman! They're goin' to do it an' they brung your



good ol' friend Easy there along too an' mixed him up in it so he couldn't turn State's evidence an' hang 'em."

Easy slunk back into the shadow of the rock and the old man went on with a senile cackle:

"Sure! It'll do Easy a hell of a lot o' good to squeal an'—"

A new idea popped into his brain. Again he laughed, this time with sheer delight as at some pleasing discovery.

"An' you yourself, Lofton. What're you doin' here? Near the Nigger Head with a rifle. Come over here to shoot the Old Man, did you? That might be what a jury would think if it should happen that the old man was found dead an' five good men was to ketch you in the act of shootin' him. Young feller, your goose is cooked in this deal. Come to think of it, it was near burned up when you crossed with Bodart. I don't calculate you'll ever squeal on us. Not if you air right sure it'll be swore on you. But how in hell you came to be right here I don't just see—"

"Bodart wrote a note telling of the plan to kill Graves," said Jim, lying glibly. He knew that each man of that party was rightly suspicious of all the others and he meant to sow the seeds of doubt and dissension.

"He done what?" demanded the old man fiercely.

Jim repeated his words. His captor snorted in his anger.

"If you kin prove that—his wife—my daughter. Wait a bit! Look over there, Easy! What do you see on the slope of that hill yonder? Up the hill, under the shadow of the white rock?"

Easy's gaze followed the stubby forefinger that pointed directly into the eye of the sun. Jim rolled over and struggling to his knees gazed fixedly at the far slope of the mountain that towered on the other side of

the Lying Cross Cañon. He saw two tiny figures silhouetted there against the sun. They were mounted men and were leading their horses to the very lip of the cañon's wall. Arrived there, they paused. Were they the murderers?

Again a terrible rage rose in Jim's heart. What could he do, tied and helpless as he was?

"Who air them two?" demanded the old man insistently.

Jim looked at him in profound astonishment. The two men on the hill opposite were not the murderers then. *That* seemed clear. Neither this old scoundrel nor Easy knew them. Perhaps Bodart's plans had miscarried. Perhaps Stratton had found some way to send warning and a relief in the very nick of time. . . .

A quick, sharp rattle of rifle fire drove down on them on the biting wind that swept across the saw-toothed range.

"My God!" Easy sprang to his feet and stood, his feet braced far apart, terror in his eyes. "Jepson, did you hear that?"

Jim was confused. He had been watching the two men. He saw them at work at something on the hill but—Certainly they had not fired a gun. He was sure of that. Who were they?

Again he stared at the tiny figures. They were standing still now, evidently deliberating. Suddenly they sprang to their horses, flung something behind their saddles, swung into saddle themselves and were galloping madly up the far slope of the Lying Cross.

Jepson, who had watched the performance in open-mouthed astonishment, started into life.

"For the love o' Gawd, man! Them men was strangers! They seen the whole thing. They must be ketched. They must be ketched, I tell you! Here!

You, Easy! Take this rifle an' shoot this here man Lofton if he tries to git away. Turn him over to Bodart. He'll know what to do! Understand? I must tell the others."

He thrust the heavy rifle into Easy's hands and dashed off down the trail across the cañon.

"Who are they, I wonder?" Easy craned his neck forward in his eagerness.

Jim answered him quietly though he was inwardly seething like a volcano. "Two prospectors, most likely. Darned glad, I should say, to get away from such a place."

He said no more. He was morally certain that Bodart would stop at nothing to remove any one who could testify at all in the case of the murder of Benjamin Graves and he did not wish to ruin any chance that the State might have of making a case.

Easy squirmed.

"Look here, Lofton! I couldn't help what I did. They had me dead to rights after that Serafini affair. You see I got full an' they dared me to fix the shots that hurt Serafini. Honest, I didn't realize what I was doin' till it was all over. Then they had me. God, but I was sorry fer that! What's the matter?"

Jim had uttered an exclamation.

"Nothin' much. Go on—"

"They held that over me. They said they'd swear out warrants for me if I didn't load them rifles. It didn't really matter who loaded the rifles anyway. If I hadn't done it, somebody else would have. Oh, yes! Of course I knew they were plannin' to get the paymaster. There's no denyin' that—"

"They were after Graves, the owner of the Calderwood—"

"Who? Good God! Who did you say?"

Easy stared at Jim aghast. As on the day when Jim had mentioned the names of Percival and Constance Drake, Easy's voice cracked with excitement and a mad light came into his eyes.

"Who?" he repeated. "In the name of Heaven tell me—Who?"

He threw the rifle to the ground and flung himself forward at Jim as though to compel the answer that he sought.

"Mr. Benjamin Graves, the owner of the Calderwood mine," Jim replied wonderingly, adding with grim sarcasm, "Mr. Graves is owner of the Calderwood. At least he was the owner till you and your friends got in your fine work. I reckon he's murdered by now and you've had a hand in it, my friend. What's wrong?" he went on mercilessly as he saw Easy standing there, trembling, pale and utterly unnerved. "Why do you take so much to heart a mere matter of a little murder? Ever know Mr. Graves before?"

Like a blow in the face came the man's answer and something in Jim told him that Easy was speaking the truth:

"Yes—I did know him—Once. I'm named for him—God help me—Ben Easy. Benjamin Easy Graves—see?"

"Named after him?" Jim stared at him.

"Yes—" Easy was looking into the distance away over the blue hills with unseeing eyes. And again Jim felt that he was telling the plain, unvarnished truth: "He's my uncle—my mother's brother. Percival Drake is my father—and little Connie is my sister—"

"You're crazy, man—"

"No, I ain't crazy," said Easy thickly. "I ain't

crazy. I've been drunk for a matter of ten years though—That an' half drunk the rest of the time. I guess it's about the same thing," he added helplessly.

His mind jerked back to his present plight.

"They said—Them murderers said that they aimed to git the paymaster an'—Yes, they did say the Old Man. I never knew who the Old Man was—how should I?

"How should I know it was Ben Graves? Why, man, I never even knew any one of 'em was even in the whole State of Colorado. Can't you understand, Lofton? Don't you see that if I hadn't loaded the rifles somebody else would ha' done it—

"I must leave!" His voice rose to a shout. "I must leave again an' git to some other place where no one knows me. You'll help me, won't you, Lofton?"

"Yes, I'll help you. Here! Cut me loose. Quick, now!"

"I ain't got a knife. Wait till I untie you."

"No time for that. I've got a knife if it hasn't fallen out in the mix-up. Feel in my pocket."

Easy drove his hand into pocket after pocket till he found the knife. With it he instantly cut the strip of raw-hide that fastened Jim's hands.

"Hurry up now! They'll kill you if they get you. They're comin' over the hill now. Run, for God's sake."

Jim eyed him scornfully. The man was a quivering mass of terror.

"I'm going down there to see what they've done," he said tersely, picking up the rifle.

"There ain't no use in goin' over there. My God! I know what I'd see! The road ain't twenty feet from the place where they was hid! They done it. An' now I got to run again an' keep on runnin'. They'll swear

it all on me as soon as my back's turned. Don't I know it? Of course they will. Run, man! They're comin'."

"What'll you do?" asked Jim curiously as he turned away down the cañon.

Easy, flinging down the knife, waved his hand at a little group of six figures coming quickly up the hill.

"Arizona—Old Mexico—God knows. Somewhere where I can make a new start—"

"How'll you get there? It costs money to travel these days."

"Go on! Get out o' here! Save your own skin an' remember that those fellows'll put it on you or me or any one they think of."

Jim looked at him again for a moment. He felt a vague liking for Easy in spite of all that had happened and a sort of sympathy too. He dropped his heavy rifle to the "trail" and dashed off down the cañon around a turn in the path.

\* \* \*

NOTE: This murder is told mainly as it actually happened. The killing was done after the proposed murder had been very thoroughly advertised. Many people from the mine at La Veta, Colorado, came out upon the hills to see the shooting.

## CHAPTER XIII

### A CURIOUS THEFT IS COMMITTED

THE very haste of the retreating group of conspirators told Jim that they had succeeded. Had they failed they would have delayed.

Who his captor was, he did not know. The old man was evidently a minor link in the chain and his connection with the plot probably not worth knowing.

He was now in the possession of several facts which tended to fasten the crime, if indeed a crime had actually been committed, upon Bodart and his confrères.

A few minutes would tell him whether the plotters had actually carried out the cold-blooded and deliberate murder that they had planned.

The word of one witness, while not conclusive, might go far. But then he could only testify as to the plot itself; not to the killing. There had been no witness to that. Stop! Had there?

What about the two men he had seen upon the hill across the gorge from the Lying Cross Cañon? The men who had wildly flogged their horses an instant after the rifle shots rang out in an attempt to get away?

Had they seen what happened in the cañon below them? Or had they only been scared away by the crack of the rifles?

His eyes were straight ahead, on his own trail. Hence he did not see the five men who, intent on their own safety, ran swiftly across the road behind him and

plunged deep into the feathery bush and among the trees.

Nor did they notice him. With Bodart in the lead, they ran, panting like dogs, toward the tent-colony. At the foot of the long slope they ran into Jepson.

Bodart was pale and he dripped with sweat. Not the honest sweat that comes of physical toil but the cold, clammy sweat that is bred by fear. The others trailed after him as dogs follow a sheep-killer.

Jepson looked at him. He had no need to voice his question. Bodart dropped his rifle.

"Yes . . . yes . . ." He panted heavily. "Run, men! Get out o' here! By God, Joe, he dropped! He just crumpled up! An' the other one! The man with the brown cap on—He hollered like a rabbit when you squeeze it too hard. . . . I didn't know it'd be like that. . . . I'm sorry! I wish to God I hadn't done it. . . ."

Jepson nodded slowly.

"I know. Who would know if I don't?" he said, speaking in a hoarse whisper that seemed a shout to Bodart. "I know! An' the full hell of it is yet to come. Unless I'm mightily mistook in your caliber, you'll be hearin' that squeal by day an' by night. You fellers'd better stay around fer a few days an' then pull out. Let's go back an' git Easy. Oh, by the way, I ketched Lofton. You know what you got to do to him! He's a witness to the killin'. . . ."

"He can't have seen nothin'. He don't know who we are or what—what we done."

Bodart's suffering was evident. The hot morning sunlight felt cold to him and he was sick in every fiber of his being—actively, physically sick.

It requires nerve to kill a man in cold blood. It was exactly this kind of nerve that Bodart lacked. He could plan a thing to the last detail, but when the time came



to act, he immediately began to doubt the thoroughness of his own plans. In this one case, the plans once perfected and the impetus given, the kinetic energy of his associates had drawn him on. Alone, he could never have done it.

"Come on," he said, trying to speak calmly. "We've got no time to fool away around here. We've got to make tracks. At least we've got to cover the tracks we've already made. Never mind Lofton and Easy. We can get them when we want 'em. Easy at least'll never dare open his head. He loaded the guns."

"An' as to Lofton—" Jepson laughed a little. "Say, fellers, Lofton came here with a rifle—"

"Never mind that," cut in Bodart. "We've got to run."

He dashed away at speed. The others, not waiting to regain their breath, followed him mutely up the hill and down into the next cañon where they struck a side trail that took them back to camp by a circuitous route.

All this Jim might have seen had he been like Janus the Double Faced. As it was, he plowed his way breathlessly through the loose shale that cut his shoes like knives. Then, rounding the point of the hill where the road crossed a gully, he stopped short in his tracks.

In the middle of the road, its front wheels deep in a three foot ditch that the conspirators had dug across the road, its engine still pulsing and throbbing, stood the great automobile that Jim had seen the night before at the Calderwood Mine.

It was done! There was no question as to the completeness of it!

The body of the chauffeur lay across his steering wheel, his arms swinging grotesquely, his glassy eyes turned toward the hill whence death had come to him.

Looking at the stark face, Jim knew at once that the man had seen death and had feared its coming but just a fraction of a second too late.

The paymaster had slipped upon the floor of the tonneau. A little blue mark on his right temple told that death had found him instantaneously, and in the far corner, on the left side of the seat, sat Benjamin Graves exactly as he would have sat in life, but with two bullet holes in his head and two tiny streams of blood trickling down the shoulder of his coat.

A second glance showed Jim that he had been right in his first deductions. The plotters had dug the ditch across the road to ensure the stopping of the machine so that they would have time to aim carefully. If evidence of this were needed, it was there in the picks and spades that lay by the side of the road, the fresh earth upon them attesting their recent use.

He clambered into the car and looked carefully.

Bodart's work had been only too well done. None of the men except the chauffeur had for an instant realized the presence of danger and the chauffeur had seen it too late to avoid it. Jim, examining the gear-shift, saw that it was flung into the reverse, showing how perfectly the plans had dove-tailed. The car had struck the ditch while the light fog was still lying in the bottom of the cañon and along the road. When the chauffeur realized it, he tried to reverse. The machine had halted. Then the fatal volley had been fired.

Jim looked at his watch. It showed exactly nine o'clock.

To get at the steering wheel he was obliged to move the body of the chauffeur. He felt nauseated. Then, making an effort, he got control of his shrinking nerves and laid the dead body gently in the tonneau beside that of the paymaster.

He tried to get the car out of the ditch. It would be the quickest way to get back to the Calderwood with the news and with these poor bodies that proved the truth of what he had seen.

The engine would not budge.

After two hours he gave up trying. He must get back to Calderwood as he had come, across the hills by trail. No, that would not do, either. By this time Jepson would have met the others of Bodart's gang and would have told them about him. His one chance of getting safely back to the mine lay in doubling like a fox.

And double he did over unknown ranges, deep down in the heart of leafy masses of trees, along untraveled arroyos where his feet left no sign that untrained eyes might follow. So for mile after mile by devious paths, doubling, doubling again, once in a while stopping to listen, always watching carefully, he traveled down the back of the ranges, keeping the general direction of the Calderwood more by instinct than by knowledge.

With a sigh of relief he topped the last range and looked down upon the workings of the Calderwood laid out like a checker-board at his very feet.

Involuntarily he quickened his pace. He took the last slope at a run, crossed the stream and almost plunged into old Stratton, tramping stealthily along the rear of the cottages.

The old man seized him roughly by the arm.

"What luck?" he said tensely. "What luck? Did you get there?"

Jim shook his head. "I got there. Yes. But I got there too late! They'd done it."

"Done it! Done what? Speak, boy!"

"Stratton"—Jim's voice choked—"they had dug a ditch across the road to stop the machine and then at

less than thirty yards they—shot—them—down—like—dogs—”

Jim gulped. Stratton, horror written on his paling face, said never a word.

“I ran into a man named Jepson. He roped me as I ran around a big rock at a turn in the trail,” Jim went on in a flat, hopeless voice that he did not recognize as his own. “When I came to I was tied up. He and a man named Easy—”

Stratton started. “Go on,” was all he said.

“They had me tied up and they pulled a gun on me. Then I heard the shots. Jepson went over to meet the crowd coming back from the killing and Easy cut me loose—”

Jim had determined to say nothing of what Easy had told him about his past.

“And then I went down to the machine to see what had happened. They were all there. Every last one of ’em dead! I tried to get the machine to work so I could bring them back here but I couldn’t. So I came back across the hills—as I went—”

“Were any of them—?” Stratton looked the rest of his question.

Jim shook his head. “They are all of them dead,” he said quietly.

Stratton flung his clenched fists skyward in impotent wrath.

“May God damn them,” he said slowly. “May God Almighty damn them for a set of cowardly dogs and murderers.”

His hands dropped to his sides.

Jim had heard that curse a thousand times upon the lips of careless men in strange places, but it had never affected him before. Now, his very soul thrilled with

the horror of it. From that time on the words took on a new meaning to him. As Mike Stratton uttered it, it was not a curse. It was a heart-felt and earnest prayer.

Stratton was silent for a space. There was a light in his eyes that eddied and flickered oddly like a lambent flame. Finally he spoke again.

"Go to the office, Lofton. Tell Drake. I'll get him to wire the Governor at once. This'll mean troops at the Calderwood. It has passed the stage when it can be handled by a deputy sheriff."

Suddenly he broke into mirthless laughter.

"Deputy sheriff in this land of anarchy! Men like Bodart gettin' control of them foreigners! They're hard enough to handle at the best of times! Now, with Bodart in control—! We got a deputy sheriff here now, a good man if we could use him; but the time has passed—"

"Who?"

"Ryan. I saw him wearin' a silver star the other day."

"He's a darned good man," said Jim warmly.

"I know." He turned to go. "But what we need is troops."

He strode away, shaking his gray head. Jim stumbled breathlessly up to the office.

As he went up the path he remembered vaguely that as he came down the slope he had heard the roar of the whistles announcing the dinner hour. There would be no one in the office. Still, if he went to the house he would meet Delia and he did not want to see her yet. He had better wait in the office to see Drake when he should come back after dinner. There might be things that would take every minute of his time.

With these thoughts in his mind, he went up the steps

and walked softly back to the main door of the office that gave upon the hall.

The door was open. So, too, was the inner door that led from the small room to the private office of the Superintendent. Even as he stepped across the threshold, a casual glance showed him that some one was in the office. He saw a long shadow on the floor.

Drake? No. It was not Drake. It was a woman. Still standing motionless without making a sound, he recognized her.

It was Constance Drake. She walked over to the safe and began to twist the combination knob.

Still Jim gave no sound. He watched dumbfounded, his heart in his mouth.

She worked quickly, feverishly. He saw her turn the knob once; twice; then back. Then she stooped low and studied a card in her hand.

The combination! She had the combination. She had no business to have that. Was she trying to take something—to steal something from the safe—why should she steal?

It was obviously impossible. Yet there she was. As if to kill even his suspicion of the truth, he stepped back to the main door, opened it softly and slammed it loudly as though he had just entered the building. Then he came quickly up the hall, whistling loudly.

His brain would not admit that he was doing all this deliberately, in order that she should have warning and have time to clear herself. Subconsciously he knew that it was true.

Afterwards he wished that he had walked even more slowly up the hall for, even as he pushed open the door of the private office, he saw the safe-door swing shut and also he saw very plainly Constance thrust a package into the bosom of her shirt-waist.

"Miss Drake—Miss Drake—" The words fairly tumbled from his lips. "Put it back! Quick! Put it back while there is time—"

"It's mine. It's my own money," she protested, as she turned and saw him.

"Put it back," he reiterated.

He seized her hand and, while she struggled and repeated over and over again, "It's my own money, I tell you. It's my own," he forced her fingers apart.

A roll of bank notes dropped to the ground.

She started to speak, faltered and began again. It was by no means the air of a woman who was removing her own money from a safe where it had been placed for safe-keeping. Jim paid no attention to her. Mechanically, without any clear knowledge of what he was doing, he counted the money. Eight fifty dollar notes were there, four hundred dollars in all.

There came a rush of feet up the hall.

"Here," Jim thrust the bills into her hand. "Take them. You say they are yours. If they are, put them back. Put them back while there is still time." The rush of feet came nearer. "No! You can't do it now. It's too late. Hide them! Quick, I tell you!"

Mechanically the girl thrust them again into her dress and Jim with a touch of his foot shut the door of the safe. He had no time to turn the combination knob before Drake and Stratton stormed into the office.

"They've done it, Connie!" shouted Drake, his great voice booming with passion. "They've done it at last—"

"What? Who has done what?"

"They've murdered your uncle and the two men who were with him! If there's any justice in this land, he

shall be revenged! Quick, Mike! Some water, quick! She's going to—''

Stratton sprang to the water-cooler in the corner of the room and Jim, as he passed out of the room, saw that Constance had fainted.



## CHAPTER XIV

### COMPLICATIONS OCCUR

JIM strode from the office more greatly disturbed by what had just happened than he would have deemed possible. It seemed to make remote and impersonal the tragedy of the murder.

Constance Drake a thief! He had liked her. He liked her more than he had liked most people. Why should she steal?

He did not go to his own room to think the matter out. He walked steadily up the hill for a couple of hundred yards to a place where a clump of gnarled and knotted cedar trees gave a spot of shade. Below him lay the settlement, the lines of the little houses stretching away exactly as on a man's palm the lines of the fingers stretch away from the base of the thumb.

From this vantage point he had a clear view of the Calderwood and of the surrounding country. Still further below him he could see a railroad train puffing its way along the heavy grade and, still nearer, little ant-like men and women crawling along the slopes of the hills down by the nearest tent-colony.

He filled his pipe preliminary to thinking out a solution, but the solution refused to come.

What could he do? What was there indeed to be done? Everything,—the murder, the theft, the Calderwood itself, seemed to swing in a vicious circle.

Why *had* Constance stolen? Again and again his thoughts recurred to that. He stared down toward the

office of the Superintendent as though daring it to answer.

The door opened as he watched and Constance came out, followed by Drake and the burly figure of the Pit Boss. They walked along the path, Stratton by the side of Drake, his head bent, listening attentively to what his superior was saying, occasionally dropping back for a word with Constance.

Jim decided that he would have to go down to them. Drake would want details that only he could give him. He rose to go. He would meet them on the road. Then he stopped. He wondered where Drake and Stratton were going, for the two men, pausing to speak a parting word to the girl, headed straight for the gate that opened on the road that led to the tent-colony.

They could not be going down there, thought Jim. He decided that they were going to the railway station to wire for troops. Bodart would surely have taken the precaution to remove the regular telegraph operator and Mike Stratton was the only man at the Calderwood who could tick off a message. He decided that was where they were going.

The two men walked rapidly toward the fence that marked the boundary of the Calderwood. Constance was turning the other way. He saw her pass around the corner of a cottage and then she disappeared from view.

He wondered where she could be going and thought that if she should come his way, he would go to her and ask her straight out for an explanation of the incident of the office and the safe. After all they were good friends and she owed him an explanation of some sort.

She *was* coming his way. He saw her light dress whip in and out among the dark tree-trunks. She was evidently afraid of being followed for she stopped twice,

flitting under cover of the trees till her father and Stratton had disappeared in the shadow of the fence.

Up, up, up she came till she was within a hundred yards of him. She paused by a cedar tree that forked at its root and stood still by it, one hand laid upon her heart, the other supporting her weight as she leaned against the tree.

Jim was about to make his presence known; then he thought better of it. She was evidently looking for some one and his entrance into the scene might spoil all. He wanted to see for whom she could be waiting.

The next moment he knew, and at first doubted the testimony of his eyes. At the edge of the thick woody growth the slinking figure of a man broke cover.

It was Ben Easy.

Instantly there flashed into Jim Lofton's brain the answer to some of his groping questions asked of himself back on the hill.

Easy had spoken the truth. Percival Drake was his father, Constance was his sister. In some manner, now unnecessary to inquire into, he had acquainted his sister with his plight and of the dire necessity that it had bred.

Jim stood still and watched. He wondered if Constance had known before of her brother's existence. Easy was much older than she and some families have a way of hiding from the younger members the sins of the elders.

Easy was talking with much gesticulating, gesturing and evident pleading. He took off his cap and with a fore-finger traced a scar across his forehead. He produced a pocket-book and thrust it into Constance's unresisting hand. Jim felt what was going on in the girl's mind. He was morally sure that she was resisting the proofs of Easy's identity and that she was being con-

vinced against her will. Then he saw her open the pocket-book and carefully examine some papers that she took out of it. A moment later she handed the portfolio back to the waiting Easy while with the other hand she tried to pull something from her gown. The next moment the roll of money that she had taken from the office safe had changed hands.

Easy would make his get-away. That was moderately certain. To have her own brother implicated, even indirectly, in the murder of his uncle was unspeakable.

Very softly, step by step, taking shelter behind tree after tree he withdrew slowly. A sudden thought came to him. Perhaps, after all, he was not as helpless as he had thought. There was one way in which he could help Constance.

The safe was closed, it was true, but not locked. He knew that Delia seldom had occasion to open it. The big, clumsy iron box often remained closed for days. When Drake and Mike Stratton had come up the hall, he had pushed the door of that safe shut but the wards had not caught. He remembered that fact now. The lock had not snapped into its grooves. Like a flash it came to Jim that he could get to his room, secure what money he had, amounting to a little over four hundred dollars and, given the opportunity, he could get it put back in the safe and so secure Constance from detection.

Inch by inch he retreated down the hall and headed for the Stratton house. He knew that Delia would have returned to the office and that he would have to watch for his chance to get the money stowed in the safe. Occasionally she did leave the building for a few minutes. He would have to act quickly if he had a chance to act at all.

He had no trouble in reaching his room unseen for the

house was empty. It took him but a moment to get his little canvas sack from under his clothing in the top drawer of the pine dresser and to pour the contents on the bed. Thanks to having changed his pay on pay day into notes of large denomination in order to keep from idle spending, he had more than he would need. There were eight fifty dollar bills, four fives, two ones and some small change.

He thrust the big bills into his pocket. Then, slipping out of the house by the back door, he again sought the shelter of the line of trees along the hill above the office.

From where he sat, he had a clear view of the office and the front porch and through the closed window he caught occasional glimpses of Delia's pretty figure as she passed to and fro intent on her work.

For a moment he thought of taking her into his confidence. It would make the affair so much simpler. He fought with the temptation and finally dismissed it. True, he loved Delia; but Constance was his friend and it would not be fair to her to let even Delia know what had happened. A half hour passed. Then an hour. He looked nervously at his watch.

It was four o'clock. Would Delia never leave?

Even as he asked himself the question, he saw her rise, stow a sheaf of papers in a desk drawer, close her machine and then, putting on her hat as she went, pass out into the hall. A moment later he saw her graceful figure going down the walk toward the store.

When she was fairly out of sight, Jim rose and ran down the hill till he was sheltered from view by the rear of the building. There was no one in there now and he knew that he was safe. If only Delia had not touched the door of the money box . . .

It was but the work of a moment to walk around the

corner, to run up the steps and to slip through the hall. The office door was unlocked.

Breathing quickly, he crossed the room, seized the bar of the safe handle and pulled. It did not give an inch.

Again he tried, giving the handle a quick turn and a pull. This time it gave and the heavy door swung wide. He plunged his hand in his pocket and seized the roll of bills and was about to thrust them into the half-open drawer with a sigh of relief:

"Thank God," he murmured. . . .

Like a bolt from the blue came a quick, sharp voice:

"That'll do, Lofton. You needn't mind about taking any more!"

Jim turned.

There in the doorway stood Drake, with the shocked, pained face of Delia Stratton looking over his shoulder.

"My God, man! What do you mean by this? Didn't you know that it couldn't be done? And I trusted you. I trusted you, Lofton."

Drake fairly stammered. He walked quickly up to Jim and took the roll of bills from his nerveless fingers.

"How much was there in that drawer, Miss Delia?" he asked.

"Four hundred dollars in fifty dollar bills," she answered lifelessly. "It was in the end drawer. Yes, the one that is open."

"I didn't—" Jim began. But Drake cut him short.

"I know! My Lord, I know! Don't add lying to your other faults. I was warned that you'd be leaving us and now I find you . . . here. And I trusted you. . . ."

He sat down heavily in his chair and Delia, after one look at Jim standing by the safe, began to cry very quietly, her face buried in her hands.

"Who said I'd be leaving?" Jim's voice was fierce in its intensity.

"They'll be here in a minute. I came back to give you warning. I meant you to have a fair and an impartial hearing. Do you know a man named Easy?"

"I . . . Yes . . . I do . . ."

"They said you knew him. You came here together, they said. Did you know that it was Easy who set the blasts that injured Serafini?"

"I—yes, I did!"

Drake paid no attention to the reluctant assent but went on.

"They said that you knew of that and that you helped him."

"Am I a damned fool, Drake? Would I have set a blast in the room where I was working? Is that reasonable?"

"God knows what is reasonable! An hour ago I would have fought the man who had said that you could take money that is not yours. Did you or did you not know that Easy loaded the rifle that killed Benjamin Graves?"

The question fairly hurled itself at Jim. He looked at the older man appalled. He knew what his answer must be and he knew too that when Drake should learn who Easy really was the discovery would almost kill him.

"Answer, man! Answer!" came Drake's rasping voice.

Still Jim answered nothing. He was Constance Drake's friend and she was Drake's daughter. Constance was shielding her brother, would shield him against the world. If he should come out with the truth, who would believe it unless Constance should

corroborate it? It was hopeless to make a mere denial.

He stood silent.

"I see. . . ." There was a steely note of finality in Drake's voice. He stepped to the door.

"Come in, Ryan!" he called.

Jim started at the name. Then he remembered that Ryan was the new deputy sheriff.

At the same moment Ryan entered. He seemed embarrassed and he carried a paper in his hand.

"I'm sorry, Lofton. Plumb sorry, man, but it can't be helped. I've got a warrant for your arrest."

"A warrant? For my arrest? For what?"

The reply was a knock-down blow when it came; for Ryan, looking him steadily between the eyes, said slowly:

"For the murder of Benjamin Graves. . . ."

"Are you crazy, man? Have you lost what brains God gave you? Are you in this too, Drake? What does it mean? I murder Benjamin Graves?"

"It means," said Ryan, speaking heavily, "that two hours ago, Jepson, Bodart and four other men came before the Justice of the Peace and made affidavit that they seen you and a man named Easy shoot up an automobile on the Lyin' Cross Cañon road by Nigger Head Rock. They said they was on the hill behind you so they couldn't see at first what you was shootin' at, but that after you two run away, they went down to the road and they found the automobile with the three bodies in it. That's why this warrant issues. That's why I'm arrestin' you now for the murder of Benjamin Graves. Will you come with me without makin' any trouble or will I have to iron you? I seen the bodies."

"Oh, I'll come without makin' any trouble—just



now," said Jim grimly. Then, turning to Drake, "You're making the mistake of your life. Well—never mind! It'll all come out right."

Delia looked up quickly. There was a ring of determination in Jim's voice that she was quick to note. She walked up close to him and looked him fairly in the eyes.

"Jim Lofton," she said clearly and her voice rang with a challenging intensity that thrilled all who heard it, "you are accused of having committed two crimes. You know what they are. Did you do them?"

"Before God! I have done neither," said Jim solemnly.

"Then no power under Heaven can make me believe you guilty. Can you give any proof of your innocence?"

Jim thought for a moment. Here was a complication with a vengeance. Prove his innocence? That was not required under the law. How could one prove that he did not do a thing? He had never heard of proving a negative.

"There were two men," he said slowly. "They were on the hill on the far side of the Lying Cross Cañon road and they must have seen the whole occurrence. I don't know who they are nor where they live. If we could find them, we might find out who did it. Might prove it, that is."

"Prove it? Could you prove it? Have you then any suspicion who did it?"

"Suspicion? Why I *know* who killed Benjamin Graves. But I won't say a word till I've seen the prosecuting attorney. All ready, Ryan. Good-by, Miss—Delia—God bless you. . . ."

"Wait—Wait—" Delia's voice was choked with tears.

Then suddenly running up to Jim she kissed him full upon the lips.

Jim pressed her to him. A moment later he walked steadily out of the door, down the steps and into the waiting automobile.

Ryan sat down beside him. They were off toward the sheriff's office.

## CHAPTER XV

### MAJOR CHEAPE TAKES A HAND

As the machine jolted along over the rough, mountain trail, Ryan cleared his throat once or twice as if about to speak. But the tense, set look on Jim's face kept him silent.

Jim was indeed thinking very deeply. He told himself that of course the charge of murder was ridiculous. He could clear himself of that without any difficulty. As to the other, the minor charge of the theft of money from the Company safe; it was unimportant compared with the first. When he had given Easy time to get safely across the Border, he would ask Constance to tell her father about the whole affair. Then Drake could quash the charge on the quiet by simply withdrawing it.

Of course he himself would have to leave the Calderwood. But what of that? The Calderwood had taught him his lesson; the lesson of work because of the pride one takes in it. He had learned another and a bigger lesson if he had but known it; a lesson that millions of men have not learned in thousands of years. He had learned from a few idle words dropped by an ignorant Pit Boss, the solution of the great problem of the Nation; that national entity is only to be preserved by stopping immigration; that the real danger to the Republic lies, not in any weakness developed in its own inner life but in admitting to our own body politic the diseases from all the world. He had learned too what a front Capital and Labor united could show to the world

in this cause if they would but see it. There was more than that. There was Delia. His final goal was clear now. How could he help but succeed?

Ryan could no longer stand the pressure of the silence.

"How'd this thing happen, Lofton?" he asked.

"I reckon they found out I knew too much. They figured that the best thing for them to do would be to get me put away for a while."

"But—"

"But nothing. They know darned well that their charge can never stick. For one thing . . . You saw the bodies, didn't you?"

"Yes."

"Well . . . Did you examine them?"

"You bet your life I did. They was all shot up."

"What with?"

Ryan looked up suddenly. He had not been a deputy sheriff very long and he forgot that in his new dignity he had no right to talk to a prisoner about the crime which he was supposed to have committed. He liked Jim too.

"They was shot with a twenty-five-thirty, high-power rifle," he said. "What do you carry?"

"Ordinarily I don't carry a rifle at all. I prefer a shot-gun. It just happens though that on that particular day I did have a rifle; a forty-five-ninety Winchester that I got from old Jugenson who tends the gate at the Calderwood mine. I won't have any difficulty in provin' my innocence when the time comes. Meantime, considering how the Bodart gang loves me, I reckon I'm safer in jail than out of it. What're you going to do with me, Ryan?"

"Take you to the Sheriff first of all. You'll have a hearin' before a justice and maybe be committed till the Coroner's jury can meet. That'll probably be to-

morrow or the next day. Then you'll know if you're to be held for the crimes of murder an' burglary or not."

"How about getting bail?"

"Hm! They don't bail men on a murder charge. It's a life sentence here, you know."

Jim shuddered slightly. That shudder was not altogether caused by the chill breeze that drove straight down from the snows of the great Sangre Christo range. The thought came to him that man's justice is not always infallible and that sometimes *vox populi* is very far removed from being *vox Dei*. There was such a thing as circumstantial evidence. There was such a thing possible as a miscarriage of justice. Suppose it should miscarry now! Those men with Bodart could swear in as many witnesses as they liked! Every ignorant foreigner in the tent-colonies would stand by them and . . .

Well, he couldn't afford to lose his nerve now. So he talked to Ryan about other matters; talked with a sort of desperate self-possession as the motor ate up the miles, crossing the railroad, then running down along the road that paralleled the tracks.

Far to the South, beyond a curve, that in Western parlance "would have broken a snake's back to follow," a train puffed its solitary way Northward, shooting a plume of black smoke up to the opaque saffron of the sky.

Ryan pointed to the smoke staining the mountain air.

"I'll say she's lonely."

"Why?" came casually from Jim.

Ryan sighed. "Because she ain't got no company now-a-days. A year ago I've counted from here the smoke of *twenty* engines workin' North an' South. The mines were all open then an' things was hummin'. Now it's all different. There's twenty thousand idle miners in the State. Did you know that? The mines are

closed. The money that used to be handled here—God knows where it is! The stores are mostly closed an' the people are movin' out of the State by the thousands. It's a sweet prospect. . . ."

"What are *you* kicking for?" asked Jim with gentle irony. "All you've got to do is to enforce the laws."

The other laughed outright.

"Enforce the laws? Do you happen to know, young man, that there's two thousand of the I. W. W.'s abroad in this one state? Do you know what enforcin' the laws means with them here? There's thousands of people here who can't talk English, who fall into the clutches of just them same I. W. W.'s. They're brought here to take the place of English speakin' miners who've struck or who've joined them I. W. W.'s. As soon as there's enough of them foreigners, they form their own little Unions, only they ain't Unions at all. They're debatin' societies for men like your friend Bodart. The American Union has tried to exercise some control over 'em but it can't be done. They git out of hand. It seems like the first breath of real liberty they draw goes to their heads like new whiskey. There wouldn't be no trouble here if it wasn't for the foreigners and the I. W. W.'s."

There it was again! The same thought that old Stratton had voiced.

"Look at that train. . . ."

The plume of jetting smoke drew nearer and nearer. The faint, minatory whistle of the engine swelled into a roar and, as the automobile flashed across a little bridge, the train roared into full view, clanking, shrieking and groaning. A dozen cars were there with brown-hatted heads in every window and rifle barrels thrusting from doors and windows. On the rear platform stood two or three soldiers. They waved careless greetings to the two men. Ryan looked long at them.

"State troops called out," he said shortly. "The Governor's declared martial law. That's what I call quick work. The Graves murder took place early to-day. Them fellows lodged their information and swore out the affidavit against you at ten forty-five. You were arrested at four and at five-thirty the State troops are in. The old State *can* do things when she wants to. Can't she?"

"It depends on what you call 'things,'" said Jim simply. "We're getting into town now, aren't we?"

The first row of frame houses leaped into view.

"Yes. We'll go first to the Sheriff's office at the Court House. Garwood's the Sheriff.

"I know."

They found Sheriff Garwood, a great, fleshy hulk of a man, whose very presence seemed to exude good-humor, closeted with an officer of the State troops who wore the gold leaves of a Major. He was talking earnestly as Ryan and Lofton entered the room. Garwood finished what he had to say and the Major interjected:

"You see, Garwood, I did what I could. I've sent two companies up there with instructions to picket the place and to patrol the country thoroughly. They'll report to me here by telegraph or by 'phone."

"All right, Major Cheape. That'll be bully." Garwood turned to Ryan.

"Who've you got here?" he asked, rising ponderously behind his desk.

Ryan told him briefly about the murder and the charges that Bodart and his men had sworn to against Lofton.

"If you ask me," he went on, "I don't believe a damn word of 'em. I'm sure they're lyin'. Personally I don't think the affidavits that back up my warrant are worth the paper they're written on. Say," he turned

to Jim, "I guess you can tell the Sheriff somethin', can't you?"

Both men looked expectantly at Jim. He shook his head stubbornly. They had chosen to serve warrants for his arrest on the lying affidavits of men like Bodart. Then let them help themselves out of the mess. Let them get the evidence for themselves. When it should become necessary he would speak. Every minute saved now meant that much more time given to Easy to make his escape. That would save Constance. Then a sudden rage came over him. These men who were supposed to represent law and order and good government, had acted on the depositions of the very people who were making all the trouble. The theory that all are equal before the Law was working out in a very novel manner. He voiced what he felt.

"It's up to you to find out what you want. It's beyond reason to expect me to assist the prosecution. You arrest me on the very first lying declaration made by a known agitator. You know who I mean—Bodart."

"Bodart?" Major Cheape cut in. "Did you say Bodart?"

"I did," snapped Jim. "Bodart! He's mixed up with the Unions over in the tent-colonies. . . ."

"The Unions? What Union are you talkin' about? The Union fired that gentleman a year ago. They took away his card. . . ."

Jim started to speak but Major Cheape held up his hand, compelling silence.

"Wait a bit. You'll have your innings. We know all there is to be known about Bodart. We know who was mixed up with Harry Orchard when he killed Steunenburgh in Caldwell, Idaho. Bodart wasn't altogether clear in that act. We know all about the Industrial Workers of the World. We know how that damn-



able outfit has dragged its slimy length into every community that'll stand for its existence. We know how its workings affect the half-baked intelligences that come to us from Europe. You don't mean to tell me that you thought that Bodart for one minute had the backing of any reputable men, do you?"

Jim said something about the Union.

"Why, Ryan there is a Union man. Do you think that he has had anything to do with the trouble here? Of course he has been interested in keeping men from working for Graves by every legitimate means in his power. But his real job has been watching that very man Bodart who is and has been suspected of complicity in the plots of the I. W. W. all through the State in all the tent-colonies of the foreign elements. No, no, son. You're all wrong if you think the Union is behind this. You can't point to a single case of law-breaking in this whole state-wide strike, where the American Union has had control. . . ."

Ryan looked up. "The very worst case of any that we've had at all in tent-colonies or strikers was the case of that fellow who set off the blasts that blinded that poor Dago Serafini in the Calderwood," he said. And he told of the incident.

Jim tried to interfere. He did not want that story told until the brother of Constance Drake had had time to get out of the country. But Ryan went on, unheeding.

He described the man. "Ben Easy's his name. Only the other day I found out that he was the man who actually set the blasts in the half-bored holes where Serafini was workin'."

"Who is he?" demanded the Sheriff.

"He was just a common garden variety of hobo when

he came here to the Calderwood. You remember him, Lofton. He came here with you. . . ."

The damaging words had been spoken before Ryan, who had no intention of harming Jim, realized what he was doing. The Sheriff caught on quickly.

"He came with Lofton, did he? He fixed them blasts, did he? What name did you say, Ryan?"

"Ben Easy," stammered Ryan.

Garwood pointed to the warrant lying on his desk.

"That's the same man," he said, "who, accordin' to this warrant, was implicated with Lofton here in shootin' Benjamin Graves an' his party."

Major Cheape was rapidly making some notes in his pocket-book.

"Is he still in the country?" he asked.

"He should be," said Ryan. "He was here yesterday and to-day. He hasn't had much time to get out. If them affidavits are correct, he was with Lofton this mornin'."

"All right. When we get him we'll know a good deal more than we know right now." The Major glanced keenly at Jim. "Unless you want to come through with a confession right away."

Jim's hand twitched slightly. He noticed it and with an effort controlled himself. All this about Easy was bad. Bad for them both. He was morally sure that if taken, Easy would lie to protect himself. What form would his lie take? Then he remembered that he had his own witnesses, if he could find them. He turned to the Sheriff.

"If you will send to the hotel at the Calderwood. . . . There's only one hotel there. . . . It is just opposite the railroad station, and find the names and addresses of the two moving picture men who came there from Denver

early this morning, you'll find out a whole lot more than you know now. Those two men were on the hillside opposite the scene of the shooting and saw the whole affair."

"Look here, Lofton. You know a good deal too much about this for your own good. Why don't you give up?"

"I will when I get ready—to the District Attorney."

He would say no more and presently, seeing that his obstinacy was proof against even the most searching questions, Ryan locked him in a cell for the night, promising him that he would have a hearing before a magistrate in the morning.

"It looks bad for Lofton." Garwood turned to Major Cheape, who shook his head.

"Pretty bad," he said. "And now about the general situation. . . ." And once more they fell to discussing it.

The employment of troops in a civil community always presents a number of knotty problems, and no one not a member of State Troops or the Regular Army can have any idea of the difficulty of military duty in time of riot or rebellion.

Too much law is almost worse at times than too little. When civil magistrates can no longer properly perform their functions on account of riot or insurrection, it is customary for the Governor of a State to call out the State troops to enforce law and order. These State troops are of necessity recruited from the very people whose excesses they are called on to suppress. They have affiliated with them all their lives and neutrality on their part is too much to expect.

"It'll be the same old story," said Major Cheape disgustedly. "First they'll call for the militia and greet

our advent with enthusiasm. Then, when we perform our duty, as we must, strictly, without partiality or fear or favor, the civil factions'll kick like mules. They'll say that repressive military measures interfere with business and they'll demand the recall of the troops. By that time the yellow press'll be in full swing with a lot of lies about military tyranny and the danger to the liberties of the Republic and all the rest of it, and then the political gentry will begin to fear losing votes and the troops'll all be recalled with their work only a quarter done. The rioters will be tickled to death and the disorder will be worse than ever."

Sheriff Garwood nodded his head as one who had seen it all before.

"You've got it learned like a lesson," he said pleasantly. "That's just what'll happen. Who's the man in charge of the detachment you sent to the Calderwood?"

"Captain Macdonald."

"Good man?"

"One of my best."

Captain Macdonald was a very good man for that particular job. An ex-sergeant of the Regular Army, he had seen service in the Philippine Islands in the "Days of the Empire" and he had certain clear-cut ideas as to what should be done and the manner of the doing.

He stopped his train five hundred yards from the station at Calderwood. He remembered the experience of a previous detachment on like duty. The troop train running into a station had been instantly surrounded by a great crowd of strikers and as the soldiers left the cars in single file, they were greeted pleasantly, quietly seized, disarmed and passed from hand to hand along the laughing line of rioters.

He did not propose to have this experience repeated.

He intended to arrive at Calderwood with all his men ready for immediate action. He did so.

A crowd had formed at the station and the advent of the little body of forty khaki-clad soldiers was greeted with groans and hisses. The men paid no attention but followed Macdonald quietly to a vacant lot near the station. In forty minutes a camp had been established, the shelter-tents erected, sinks dug, kitchens started, a guard placed and a telephone wire connected.

A half-hour later Captain Macdonald at the long distance telephone was talking to Major Cheape in Sheriff Garwood's office.

"Oh, Macdonald," came the Major's voice over the wire, "I can't give you much information. Only this: We want two men. One is named Easy. He is supposed to be somewhere in your vicinity. Also we want a man named Bodart. This last man is a discredited Union man who has been trading on his past standing and has been raising perpendicular hell among the foreigners. He still carries his red card I am told. Lift it if you get him. While he has it he will bring discredit on a lot of good men by showing it as a credential. Better picket all the streams and water holes and houses. You can head them off that way. They've got to have water. Be sure to get them. You will? All right!"

That was why Macdonald, disregarding the butterless sandwich that formed his supper, sent for his two officers and for his First Sergeant and, producing a much soiled county map from his pocket, laid it on a box and proceeded to give his instructions.

"Elwood, you take five men and go to the Venta Road. Picket that and arrest all men who pass along it unless they can satisfy you as to who they are."

"Tubes, the same orders for you on the Martin Road to the East.

"Schwab, you take a similar detail and go to the road to the West. All of you keep a sharp look-out for a man named Ben Easy." He gave carefully the description of Easy that he had got over the telephone. "Also I particularly want a man named Bodart. I'll try to relieve your detachments to-morrow but if I do not, you will stay out until your relief comes. Take three days' rations for safety. Report progress to me here by wire."

The three men saluted and left and the Captain, calling in a Corporal, gave him instructions that sent that young man in hot haste from the room. In five minutes he was back again, his hand at his hat in salute.

"Sir! The streets are full of people movin' up to the tent-colony that they've established up on the hill above the valley. I've counted forty-one men goin' up an' there's a lot more hurryin' there in a crowd. They've all got rifles. You can hear the sound of the picks and spades goin' on the hill now. I'm afraid they're entrenchin' up there, sir."

Macdonald looked at him incredulously.

"You must be mistaken, Corporal. Why, man, that would mean. . . ."

He sprang to the door of the room and looked up at the slope of the hill. The Corporal had been meticulously accurate in what he had said. Long lines of men, accompanied by women and children too, were hurrying into the little quadrangle of tents that crowned the summit of the low hill. Along the line of the tents, on a level with the bases but further out along the slope of the hill, he could see the scar of fresh-turned earth where hastily thrown up rifle pits had been erected.

Captain Macdonald shook his head.

"The poor fools," he said. "Can't they understand that we haven't come here to fight them? Can't they

see that we're not going to attack them unless we're driven to it by some act of theirs?"

"I beg your pardon, sir," suggested the Corporal respectfully, "but I reckon most of 'em over there ain't white men . . . I mean not men who talk English. They believe anything they're told. Back where they came from a uniform means force and injustice."

"I guess you're right, Corporal. Who's that coming up the slope?"

The Corporal went out to see. When he returned with a burly Slav whom he held firmly by the arm, Captain Macdonald was again at the telephone talking to Head Quarters. He held up a warning hand for silence.

"Hello! That you, Major? Yes, this is Macdonald. I'm callin' you up to tell you that all the people here are taking refuge in an entrenched camp up on the hill above the mine. One of the tent-colonies. They've dug trenches all around the camp and are heavily armed. Yes. . . . It looks very much like a stampede. . . . No, I can't account for it except that there's some trouble-maker with them there. . . . Wait. Give me those names again, please. Oh, Bodart and Jepson. Yes, sir, I've got the other four names of the men we want. Bodart and Easy you said you particularly wanted. All right, sir! I'll get 'em if they're in this neck of woods."

He hung up the receiver thoughtfully.

"Now, my friend," he said, turning to the surly-faced Slav, "what do you want?"

"What you wanta come here for?" demanded the man truculently.

"I came here to settle things," said Macdonald blandly. "Where's Bodart?"

"I tank him be ober yander. . . ." The man blinked stupidly and waved an enormous paw at the tent-colony.

"Jepson there with him?"

"Yeh! Jepson too. . . . All good men. . . ."

"Hm! There're degrees of goodness. You go right over there an' tell Bodart an' Jepson that I want 'em. You tell 'em to come over here at once. . . ."

"Dey no come. . . . Dey tella you go to hell. Who you tink you fallows be? S'pose you b'long Guvment. Hm! Bime-by zis dam' Guvment tink it own dis place—dis whole country."

"There is a belief current to that effect," commented Macdonald dryly. "Now you look here, Mr. Nicholaski Stinkovich, you trot up that hill and tell Bodart and Jepson that I want 'em and want 'em quick. Sabe?"

"Yah! Me know! Me tell 'em but dey no come. Dose men no dam' fools."

"I'm not so sure of that either. Get a move on you. Give my message to Bodart and Jepson. I'll give them exactly till nine o'clock to-morrow morning to come down here and surrender. Tell them not to monkey with the buzz-saw. You tell them that they can't get away across country. The whole country is filled with troops who'll halt them once and then shoot at sight. You people will stay on that hill where you are now. There'll be no breaking away till I've got Bodart and Jepson. Sabe? I . . . mean . . . to . . . have . . . Bodart!"

"Sir . . . sir!" The Corporal had been scanning the side of the hill. He turned as he spoke and pointed excitedly.

"Look over there, sir! There's trouble over there! They've got what looks like two women. . . . They're fightin', sir. Look! Quick!"

Captain Macdonald hastily adjusted his field glasses and looked.

"Good God. . . ."

Far up on the slope of the hill, above the tent lines



of the camp, a confused mass of men was struggling to and fro about two women in light dresses. They were evidently young women and from every indication impossible of accurate description Macdonald knew that they did not belong to the tent-colony.

How the taller girl fought! Her hand shot out. . . .

Macdonald quivered with excitement and rage. If he could only get there. . . . If he could only . . .

There was no chance. A dozen burly hands seized the girls. A dozen strong arms pushed and pulled vigorously and even as Macdonald looked, spell-bound, they disappeared among the tents.

There came a faint humming as of angry bees in a much disturbed hive. Then quiet.

## CHAPTER XVI

### BEN EASY FAILS TO MAKE A GET-AWAY

AFTER he had left Jim Lofton near the Lying Cross Cañon, Ben Easy had struck straight across country, fear of Bodart and Jepson lending wings to his feet. He had reached the hills above the Calderwood mine, well before noon.

There was but one idea in his head. He must get enough money to enable him to make his escape. He knew enough of Bodart and his companions to feel very certain that they would not hesitate a moment to swear the murder of his uncle on to him if it became advisable to do so. Jim's words had given him the cue as to where he could get that money.

There was Constance, his sister, younger than he by fifteen years. He knew that she thought him dead. His father had written him that much the last time he had got out of prison. The last time, not the first by any means, be it noted.

First of all, he must see Constance and convince her of his identity. After that he felt sure it would be plain sailing. She would be glad enough to give him any reasonable sum to escape the disgrace of association that would come.

A note sent to Constance by a boy whom he ran across in the hill trail had put his appeal for help and money as no spoken word of his could have put it. It had been that appeal that had sent the girl flying hysterically to

the office (she knew where her father kept the card with the combination of the office safe) and thence to the rendezvous with Easy.

The latter had experienced no great trouble in proving his identity.

"I was fourteen when you was born, Connie. Mother died in givin' you birth. I guess you don't remember me very good. You see you was on'y six when I run away from the Old Man. Why? My God! How kin I tell? What makes most boys go wrong? Maybe it was born in me. Maybe it was drink. Sure! I used to git soused when I was a kid." He laughed unpleasantly. "I come by that honest, I guess. You know what the Old Man is—was, I mean. Dad could never understand ner fergive ner help. He just beat me up whenever it happened. Then I pulled me freight. After that come . . . Oh, what's the use talkin', Connie?" And he told her enough of the remembered details of the Drake and Graves connections to convince her that he was no impostor.

He was really her brother.

She gave him the roll of bills.

"Come back with me, Ben," she pleaded as he thrust the money in his pocket. "Come back with me. Come to Father. You don't know him. He is a changed man. Tell him all. . . ."

"Not me! I got to be makin' tracks, I tell you. I can't stay here! The first thing I know they'll be after me for keeps. . . ."

"Who'll be after you? For what? You only wrote me that you are in trouble! What kind of trouble? What is it? Who is after you?"

Easy shook his head despondently. "What you don't know, won't hurt you," he said slowly. "For me . . . I'm only aimin' to git out o' here as fast as I can.

Thanks for the cash. I'll try to pay it back if I ever get the money an' the chance. You're a trump, Connie!"

He turned away. The girl, staring through her tears, heard rather than saw him plunge into a dense thicket of rhododendrons ablaze with its wealth of bloom. The bushes closed above and behind him and in a moment he had faded entirely from sight and hearing.

For a long time she stood, sobbing quietly. It was not for the brother that she grieved—he meant nothing to her. Rather did her heart mourn that wretched failing that had cursed her father once, and was now striking again through the son.

Meantime, Easy was facing no light task. The nearest railroad was twenty miles away. The country and the roads were unknown to him. He did not even know where to find water and the ranch houses in that country were few and far between.

A sharp, stabbing pain told him that he could not maintain the pace at which he had started. He slowed down mechanically. He had four hundred dollars in his pocket but no food. He had twenty miles to go, and whiskey had sapped his strength, his wind, his stamina and his persistence.

Still he had to make that twenty miles! That was certain. So, pausing once to drink from a muddy water-course, he plunged up the slope among the loose rocks till he struck the narrow trail that led to the Venta Road.

He hastened along it at a running walk, breathing hard. He was on the straight road at last and only eighteen miles away lay safety. . . .

"Halt!"

It was a curt, military challenge from the hillside. Easy, with the desire of escape instinctive to all evil-

doers, turned sharp to his left and plunged into the tangle of the chaparral. A rifle bullet whistling near his head sent him rolling and plunging to earth where, belly-down, he did the quickest crawling of his life.

Once safely down in the arroyo he lay there panting like an animal.

The direct road to safety was blocked.

Faintly, in the distance, he could hear the steady tramp of the sentry's feet.

What now?

He rapidly reviewed what little he knew of the lay of the land.

To get to the road which paralleled the railroad and from which he could diverge West, he would have to cross the road above him patrolled by the sentries.

It was impossible. He must try his luck to the East. He knew vaguely that there was another road over there. Toward the East then it must be. He rose.

Again he plunged on. Darkness fell. It grew cold. Time and again as he struggled and panted and shivered through the night, Easy cursed his luck from the day when he had first run away from home!

His first work—driving mules in an Indiana mine . . . How poignantly he had hated it! At the end of two weeks he gave it up. So, from job to job, he had moved along. Pay could not hold him nor the promise of any permanent employment. He was cursed with the curse of Reuben, "Unstable as water; thou shalt not excel."

Hampered by a lack of education, handicapped by an inherited weakness that beheld in the full glass the promise of forgetfulness, what could he do other than that which he did? So in part is the Submerged Tenth born.

He kept steadily eastward from arroyo to arroyo around the points of the hills. An Indian or soldier

would have known enough to have worked from hog-back to hog-back, those long, sharp ridges that spring from the foot-hills as the extended thumb juts from a flattened hand. With an instinctive desire to keep hidden, Easy sought and kept the lower ground.

Again and again a sharp, stabbing pain warned him of the danger of undue haste. His shuddering breath grew more and more labored yet mile after mile he put behind him till from a hill-top he saw the broad white ribbon of the Martin road gleaming in the moonlight. North and South it ran for miles with never a swale in all its length to give concealment. He scanned it carefully and was about to leave the shelter of the hill when he heard voices along the slope below him:

"Hi, Brock! Have we got to keep up this dam' trampin' all night, do you reckon?"

"It looks that way," came the answer. "We connect to the West with the patrol on the Venta road an' to the East with the railroad. Hurry up, ol' man!"

"Wait a bit! There's somebody on the hill above us. Right above us! Didn't you hear that stone fall?"

Swearing under what little breath he had left at his carelessness, Easy lay low among the rocks till the search had ceased. He had learned something at least. He now knew that not only were all the roads picketed to the east and west but the entire country lying between the roads was being thoroughly patrolled.

There was no use in his staying any longer among the hills. If he could not leave these hills he was indeed in a bad case. He must turn back upon his trail and go as straight and as quickly as he could to the tent-colony where the very number of the inmates would hide him and give him at least a little chance of safety.

He would be better off with Bodart and the other men of his party than here among the hills with the soldiers

on the lookout for him. What would happen if they should take him?"

At least he had not been guilty of the actual killing. There was just a chance that by going back to the tent-colony, he might escape the drag-net of the law. There was absolutely no chance of escape if he should remain out here in the hills where he could get neither food nor rest.

So, panting, breathless, foot-sore and heart-sick, he took the back-track. By trail and by short cut, by path and foot-trails long abandoned by forgotten prospectors, he pushed to the South again. The moon had long since set. He could not see his watch but he felt the early chill heralding the dawn and presently the sun rushed up across the Eastern ranges and the red divide stood up like the thrones of giant kings.

A mile more and he would be in. Already he could see the long scar of the railroad, the metal glistening in the early sunlight, like new-spun cobwebs wet with morning dew.

Avoiding the mine fence, he kept to the East, skirted the culm piles of abandoned entries and finally, debouching from the fringe of piñon-pines, he approached the tent-colony on its northern face.

He noticed the change in its appearance as he drew near. Fifty yards outside the line of the tents, isolated heaps of earth showed where rifle-pits had been prepared. The men who had dug them were no novices. They had undergone military training in Europe. They knew the technique of the oldest trade in the world—war.

Easy gave a grunt of surprise. As though the grunt had called him forth, a man rose in the nearest pit. He dropped his rifle muzzle till the sights fell in line with Easy's chest.

"Stan' still? Whata you wan'?"

"I want to come in. My name's Easy. Call Bodart an' tell him I want to see him."

The man repeated the name, keeping Easy covered all the time so that he hopped from one foot to the other with nervousness.

Presently Bodart came and along after him trailed a great crowd of men, women and children. When he recognized Easy, his face cleared and he broke into a run.

"Hello! You've come back, have you? I thought you'd gone over to them suckers. . . ."

He pointed to the line of tiny shelter-tents that showed upon the flat by the station.

"No." Easy spoke with a desperate attempt at innocence. "You'd no business to think that. You might have known I'd be back. . . ."

"How came Lofton to get away from you an' Jepson? You've got that to explain. What about it? Speak up."

The truculent tone made Easy flush.

"To be honest, I don't quite know," he said. "He must have sawed the rope on the edge of a rock. I was watchin' you all comin' back when Jepson ran to meet you. When I turned around again, you was still comin' on but Lofton was gone. Of course I should have stayed fer you all but I chased after him. I couldn't catch him an' then when I come back, I couldn't trail you all so I lost you. I was out all night in the hills. Those tin soldiers have got all the roads picketed an' covered. . . ."

"That won't help 'em none. They're after us, you an' me an' Jepson an' certain other men. Never mind! They can't git us. We've got ten times as many men as they've got unless more have joined 'em from the North by marchin' in. No trains have come in. How



many have they got along the roads that you've seen?"

Ability to correctly estimate numbers comes only by long practice. Remembering his trouble in avoiding the patrolling parties, Easy answered quickly:

"Oh, about a hundred I should say."

"Go over there an' get some breakfast," said Bodart not unkindly, pointing to a cook-stove set up in the open where some Italians were boiling their invariable macaroni. They made room for him with welcoming grins, one of them thrusting an already used tin-plate into his hands.

While he was eating, Easy took a careful look over the camp. Its location had been made by an expert. It was the most easily defended position in the entire valley, lying as it did on top of a low hill. Being higher than most of the other rises, it commanded three sides.

On the left face, some five hundred yards away, a solitary spur jutting from the main range formed a possible vantage ground for an attack. Bodart however had kept careful count of the troops and knew that they were too few in number to be able to divide their forces to occupy that ridge. He was sure that Captain MacDonald was depending entirely on the moral effect of the presence of his force.

His breakfast finished, Easy strolled back toward the place where Bodart stood. As he passed the line of tents, he noticed one before the open fly of which an armed man sat upon an upturned box, rifle on knee. The walls of the tent were tied down.

"Who've you got in there?" he asked curiously.

A quick sobbing exclamation made him halt in his tracks. He pushed the tent-fly further apart and saw . . . Constance. Behind her, flushed with anger, her golden hair roughened, stood Delia Stratton.

Easy sprang forward. Even in mid-air a strong hand gripped him and threw him to the ground.

"Come away from there, you damned fool! It looks like you're fair *huntin'* fer trouble! Just one squeal now from you an' you'll get what you're after. . . ."

"What're you doin' with those girls here? That's Drake's daughter an' Stratton's . . . ! What're they doin' here?"

The forceful question compelled an answer. Bodart glared at him for a moment before replying:

"Some of the men came on 'em wanderin' outside the mine fence an' brought 'em in here. It's the best job they ever done too. With them two girls in our hands fer hostages, old Drake'll have to call off them hell-hounds of the law."

He spat scornfully toward the camp of the State troops where the men were "falling in."

"We'll hold the girls as hostages an' we'll make the men come to our terms. An' that means Mexico fer you an' me—maybe." He grinned and pointed toward the place where the troops had pitched camp.

"There's one of them chocolate-cream soldiers comin' now," he said. "What's that he's sayin'?"

A corporal had come half-way up the slope and called out in a loud voice that was flung back from the wall of trees above them.

"Hello! You there in the camp! Time's up! It's nine o'clock! The Captain says for Bodart to come down and surrender at once."

"The hell he does! Bodart! That's me. . . ."

He went forward to meet the soldier.

## CHAPTER XVII

### JIM LOFTON HAS SOME NEW EXPERIENCES

THE Corporal was evidently quite sure of the success of his mission, for, seeing that the other intended to meet him, he sat down upon a rock and waited for him.

"Well? What've you got to say now?"

Bodart's voice and tone were gruff. It did not in the least disturb the equanimity of the soldier.

"I ain't got a whole lot to say, friend," he drawled. "The fact is, it's up to you to do most of the talkin'. The Commandin' Officer sent me up here to tell you that the time he give you is up. It's most nine o'clock right now. That was his limit. Sabe?"

Bodart choked back the insulting words that leaped to his tongue. His over-confidence disappeared. He did not like nor trust the positive accents of the Corporal. They held a suspicion of power that created doubt in his mind and doubt invariably begets fear.

"What's he want?" he asked sulkily.

"What does who want? The Captain? Oh! Well, my friend, he wants *you*."

Bodart made an impatient gesture. The other calmly continued:

"Don't be any more of a damn fool'n you have to be. It ain't a question of fightin' *us*! We're nobody! Only a few men of the State troops. But back of us . . . lies the Commonwealth of Colorado!"

"To hell with the Commonwealth of Colorado!"

Bodart's pluck was returning with the impetus of his awakened rage.

The Corporal grinned.

"By all means," he agreed politely. "To hell with the Commonwealth of Colorado then. Anything to oblige. You're tryin' hard enough to do it anyway. Well, and afterwards—"

"Afterwards?"

"Aye! That's when the fun really *will* begin. Then you'll have to deal with the Federal Government an' the Regular Army. Did you remember that? Say. . . . You ain't even a sure enough walkin' delegate, you poor fish," he went on. "Did you all think we were asleep at the switch? Don't you suppose we know that your own Union gave you the gate two years ago? You've hid it from them poor Ginnies up there but we know it! That's why Captain Macdonald sent me up here to tell you that you're busted flat . . . ruined . . . just a dirty deuce in a torn deck. He says to surrender to him the men whose names are . . ."

He consulted a scrap of paper; "Easy, Bodart, Jepson. . . ."

"I'm Bodart."

"Sure! I know. D'you suppose I thought you was President Wilson? I was just repeatin' orders. All right now. Hop along an' get the rest of your giddy little law-breakers an' come on down to camp. It'll save all kinds of trouble an' may be some lives. Come on in."

"I won't do no such thing. I gave the Sheriff the names of the men who shot Graves. I saw 'em. It seems I was mistaken about one of them men. I mean Easy. Easy wasn't mixed up in it. There must have been a man who looked like Easy. Easy didn't have nothin' to do with it. He's up here now with me. . . ."

"That proves his innocence of course," said the Corporal politely "Bring him down with you when you come."

"I will : . . when I come," said Bodart. "Now you git on back to your Boss an' tell him he'll have to find some other way to run things. As far as I know there ain't been no martial law declared and him and his soldiers are out there in open defiance of law an' order. Till martial law is declared, I reckon the civil law is in control. . . ."

"Martial law *has been declared*," said the Corporal soberly. "It was declared last night by telegraph and by now the news is over the entire State. What time'll I say you'll be down?"

"If you're aimin' to tell the truth, I'd be careful how you set an hour fer it. I ain't a-comin'. Good-by."

Corporal Clark walked slowly back to camp. When he reported to Captain Macdonald his failure to get Bodart and his associates to surrender, he found to his surprise that that gentleman's temper was proof against any and all temptations.

"Oh, very well! They don't believe the declaration of martial law! They wouldn't take your word for it, Corporal!"

"No, sir," said the Corporal.

The Captain laughed. "Well, I don't know that I would either under the circumstances. Go and hunt up a Deputy Sheriff for me. If they will not believe about the martial law, we'll just honor 'em with a writ."

He turned to the telephone and called up Head Quarters.

"That you, Major? Bodart won't surrender. Doesn't believe martial law has been declared—

"Easy! Oh, yes! He's there too. Bodart says that

it was a mistake about Easy; says that he was not implicated in the shooting at all. It was some other man who has the misfortune to look like Mr. Easy. . . . You bet it was a clumsy lie! . . . Oh, yes! I can handle the situation. I've already sent for a Deputy Sheriff to serve a writ. I swore out the warrant myself. They've got no excuse now under Heaven to refuse to surrender."

On the other end of the wire, however, Major Cheape was by no means so optimistic. He asked Macdonald what he proposed to do in case Bodart paid no attention to the civil writ served by the Deputy Sheriff; and when told how securely the miners had entrenched themselves, how the only spot of ground from which operations could be conducted against the tent-colony lay five hundred yards away, and how of course Macdonald could not occupy it because he had too few troops and could not afford to split his party, the Major asked anxiously:

"What about a few sharp-shooters over there?"

"Well . . ." Macdonald suddenly felt less sure.

"There's nobody here who knows the ground."

"Drake must know it, or Stratton," boomed the heavy voice of the irritated Major.

"Drake and Stratton both pulled out of the Calderwood this morning to look for their daughters. . . ."

"Their daughters? What do you mean?"

"Both girls have disappeared. They think, and I agree with them, that they're in the hands of the men in the tent-colony. . . ."

He told the Major of the two struggling women he had seen in the hands of the men on the hill.

"There's no one here who knows a darn thing about the land and if I try to reconnoiter it, I'll stir up a hornet's nest."

"There's Lofton," cut in the voice at the far end of the wire.

"That's so. But he's under arrest charged with murder. What'll I do?"

"Ryan said that when Lofton was arrested, Miss Stratton ran up to him and kissed him. A budding romance there, Macdonald. Play it on that lay! Tell Lofton that Miss Stratton is in the hands of the men on the hill. Maybe he'll volunteer to show you what he knows of the lay of the land. I'm pretty certain he'll do it if the Sheriff will let him out on parole. I'll ask him anyway. I'll send Ryan along with him. To make sure, you might tell Lofton that Bodart is the man you're after and that his best girl is in Bodart's hands. If that don't raise perpendicular hell I give up. Ryan can serve the civil writ for you."

"First rate, sir." Relieved, Macdonald hung up the receiver and turned away.

A minute later, back in the county jail, Ryan opened the barred door of Jim Lofton's cell.

"Lofton, the Commanding Officer wants to see you."

"All right!" Jim rose and followed Ryan up the narrow steps.

Major Cheape and Sheriff Garwood were both in the office when Jim entered.

The Major told him briefly what had happened.

"Sheriff Garwood has agreed to let you out on parole if you will agree to help us. You're the only man who *can* help us. Are you willing to give us your assistance?" And he told him of Constance and Delia who, Captain Macdonald felt certain, were in the hands of Bodart and his men.

For an instant such rage seized Lofton that he could not speak,—could barely see or hear what was about him. From far away came the Major's voice:

"Speak up, man! Have you lost your voice? Do you want to help us?"

His perceptions suddenly cleared.

"Yes. . . . Yes. . . . Of course." He rushed to the door.

Ryan blocked him with a grin. "Wait a bit, man! You can't make it on foot. I'll get the machine."

A few minutes later Jim and Ryan were plunging Northward in the direction of the Calderwood in a heavy, fifty-five horse-power motor that ate up the hills. Jim at the wheel drove it as he would have ridden a horse, coaxing every ounce of speed and power from the engine.

They rocketed into camp. Captain Macdonald's first view of Jim Lofton's drawn, haggard face told him that the man meant business regardless of cost.

"Where is she?" was Jim's first word, terse, rasping.

"There!" Macdonald's finger stabbed the sunlight toward the tent-colony on the hill. In a few words he mapped out the situation. The men on the hillside, being higher than the others, commanded three points. The spur on the East was the only visible hope.

"But a man's takin' his life in his hands to try to get on that spur under their rifles. They'll open fire at our first demonstration. They're like a lot of hysterical women up there right now. What do you say, Lofton? You look interested."

"I am," said Jim grimly, squinting with sun-dazed eyes. "That Eastern hill's the one where they opened up an entry last year, Stratton told me. You know how these mining people are. Whenever they think they have good indications of ore they open up an entry. If they pinch out, they drop it. There's an old entry uncompleted, squarely behind that pile of rocks that you see on the slope yonder. It's only timbered for about



six feet and the rocks hide the opening. If you could get some men there. . . ."

"I know," said the Captain impatiently. "They'd be within a few hundred yards of the camp, on a flank, and could make the whole place untenable. But how could we get any one there? The minute we move they'll open fire on us and that's exactly what we want to avoid if we can."

"I'm not a fool. I don't propose to cross along the slope where they can see me."

"Where then? What do you propose to do?"

Jim pointed to the East. "See over there? I bet I can get down that gully yonder, go around the hill and work up the far side of it. . . ."

"You'll be further from the spur than ever."

"But I'll be East of the camp, not West."

"They're watching both sides of the camp. Just look at them. They're swarming like bees over there."

He offered his glasses. Jim waved them aside.

"Wait. You may be a soldier but I'm an engineer and I know what I'm talkin' about." And Jim explained that it would take him a half hour to reach the summit of the Eastern hill. When that half-hour was past, Captain Macdonald being reasonably certain that Jim was in position, was to draw the attention of the tent-colony to the West by making a very obvious pretense at flag-signaling to some one in his rear.

"That'll startle 'em. They'll not be sure whether there are more soldiers coming in or not. Anyway, it'll take their attention off me. Before they find out what's happenin', I'll cross the ridge at a run an' drop in the old entry down on the spur. After that no one can stay in the camp if it becomes necessary to open fire on them. Have you got any signal bombs, Captain?"

"Yes. Why?"

"Give me a couple of them. I'll take them along and fire them off to let you know when I've got into position on the spur. Who're to go with me? We only want a small party. When they see any one there, they'll realize they can't hold the camp."

"I'll give you Corporal Clark and Needham."

"I reckon I'll come along, Lofton," said Ryan, his eyes lighting.

"They'll need you to serve the warrants when Bordart's ready to listen to reason. You can't go."

Clark and Needham stepped forward and hitched up their belts. They were ready.

"We'll need canteens and grub," reminded Jim. "When we once get in that place we can't get out till it's all over."

"They'll give up as soon as they see that they're out-flanked," said Macdonald.

A few minutes later, loaded down with rifle and cartridges, canteens and packages of bread and cheese, selected as being less bulky than regular rations, the three men slunk down the little arroyo behind the line of the shelter-tents and worked as rapidly as they dared to the Eastward to get around the protecting shoulder of the hill.

It was heart-breaking work. The gully was filled with huge boulders so closely massed that passage between them was impossible. The men had to climb over them in single file, each pulling the rear man up after he had himself been pushed up in advance. Panting, slipping, sliding, they made but a slow advance. Twenty minutes of the half-hour that Jim had told Macdonald would see him on the summit, had expired long before they had reached the far slope of the hill.

"Come on, you fellows," panted Jim. "Ten minutes more and the Captain'll begin his fake signaling. If

they see it's only a fake, they'll look for us on the hill and then—Good-by! Hurry up! I thought Infantry could *march!*”

The lash of his words drove them forward. He had forgotten that youngsters, fresh from indoor work in cities, were not inured as he was to heavy hill work. Too breathless to resent his gibes, they doggedly trotted after him till at the foot of the hill he paused for a final breath.

“Now then! Up you go! No, you don't either!” He snatched an open canteen from the mouth of Needham. “We may need every drop of water when we get on that hill. Don't touch a drop till we get there. Don't I know you're thirsty? So am I! I'm as thirsty as a camel. And it's got seven stomachs.”

Needham muttered something in reply.

“Shut up! Go on, you baby! And mind you don't bang your rifle against the rocks any more than you have to.”

Up they went again, this time at a run, till at last they lay safely ensconced behind the jagged crest that cut the sky-line like a saw. Removing his hat, Jim looked over the edge from the side of a rock. He knew better than to silhouette himself against the sky-line by looking over the top.

A prolonged shout from the little camp immediately drew his attention to it.

Captain Macdonald and two soldiers were standing well out on the flat so that they could be plainly seen. Their backs were to the tent-colony. The Captain stood with his field glasses poised, while one of the men vigorously waved the two-foot red-and-white flag that is used for signaling in the Army.

For a short time no man in the tent-colony moved. Then, when the supposed purpose of the signal men was

made clear to them, the entire camp crowded forward to the Western edge.

The plan was working like a clock. Jim sprang to his feet.

"I'll go first," he said swiftly. "Watch where I go. Drop where I drop. Duck where I duck. Run all you can. Don't break cover till I get safely down."

And with elbows held tight to his sides to keep his two canteens from tripping him, firmly gripping his rifle, he plunged over the crest and down the far slope, heading for the little line of raw, red earth a hundred yards below him that marked the opening of the abandoned mine entry.

No one in the tent-colony saw him and he dived into the abandoned workings as a prairie-dog dives into its hole. Needham and Clark followed him, their brown uniforms making them well-nigh indistinguishable against the brown of the hillside. In a few minutes all three men lay panting and breathless behind the pile of earth and could see plainly what was taking place in the lines of the tent-colony.

In its scant limits were gathered perhaps five hundred people belonging to the more picturesque tribes of Adam's breed. There were not more than a half dozen Americans in the camp. Excitement licked over the mass like a flame over oil. They feared exactly what Jim had thought and had hoped they would fear and believe. They thought Macdonald had been signaling for more soldiers, perhaps with machine guns, and there rose from their crowded lines a babel of shouts—shouts of fear, yells of defiance in a dozen languages.

"Och s'bog. . . ."

"Miseracordia. . . ."

"... affuca. . . ."

"Kakaya dosa dusjka. . . ."

Sudden excitement swept over them. Just as suddenly it died away. The men resumed their places along the line of the carefully prepared rifle-pits.

Jim stared at them with his heart in his eyes. Back there, behind those rifle-pits, was the girl he loved. She would be free soon. Just as soon as he could call Bodart's attention to the fact that he was out-flanked. Then Bodart, unless he really meant to fight the troops, would have to surrender.

In the meantime it was his part now to give the pre-arranged signal that would tell Macdonald he was in place with Needham and Clark. He reached for the rocket-bomb. A renewed uproar in the tent-colony brought Jim to his knees. He peered over the edge of earth that sheltered him and saw to his amazement two men, each carrying a heavy chair, walk out into the open space between the tents and the rifle-pits that faced the camp of the State troops.

Jim turned to Corporal Clark.

"What sort of damn foolishness do you suppose they've got in mind now?"

The next moment he knew.

Four men came out of the rifle-pits and between them they led two women. They pushed them none too gently into the chairs and fastened them there with ropes. Even before his glasses had confirmed his knowledge, Jim knew that they were Delia and Constance.

The men were afraid that Macdonald was going to attack, support or no support, and they were placing the girls in the line of fire from the camp.

In his excitement Jim rose and stood as though petrified.

"Get down here, Lofton," came Clark's voice. "They'll see you."

The necessity of immediate action aroused him.

"Hurry up, Needham!" he cried. "Fire those signal bombs!"

There was no need to caution Needham to hurry. He had already propped the two rockets on a couple of stones and was busily engaged with a match. Presently the flame caught and with a flash and a long hiss and roar the rocket shot off into space.

The second rocket followed it. Then came a long silence that was broken presently by a perfect pandemonium of yells and cries from the Western edge of the tent-colony. A ripple of rifle-fire ran along the edge of the trenches on the side toward the camp of the soldiers.

"My God! They've opened fire! Clark! Needham! They thought our signal rockets were a signal to Macdonald to attack. Look! A man's been hit in the camp. . . ."

A soldier had indeed been hit. Shot through the body, he lay twisting and turning over and over in his agony. A perfect storm of shots swept out of the rifle-pits, flashes of quick yellow flame that stabbed the hot afternoon glare.

There followed the quick, sharp rattle of volley firing, that once heard is never forgotten. And, between the pits and the camp, tied down to their chairs, helpless in the very lap of death, sat the two girls.

God! If Macdonald's men could only see clearly! See, and hold fire.

It was a prayer in Jim's heart.

## CHAPTER XVIII

### A CAMP IS BURNED

THE soldiers were white and nervous. They well knew that any little unforeseen thing might now precipitate a general engagement. Fingers twitched at the triggers, men dropped their heads over their rifle-stocks to test their sights and then, swearing volubly, raised them to look again at the men over in the tent-colony. That not a desultory shot was fired showed that Captain Macdonald had his men well in hand.

"Sit tight," he cautioned, walking up and down the line behind his men. "Hold hard a bit! It'll work out all right." Once he knocked aside a rifle-barrel that had settled to the level with deadly intent to avenge the stricken soldier who was still moaning and writhing in his pain. "Keep your tempers! Those fools yonder'll see in a minute that they've made a mistake."

Still the shots crackled from the trenches. Once fire has been opened it is very difficult to repress it with undisciplined men. Yellow spurts of flame jetted out along the raw edges of the rifle-pits, an acrid smell of powder drifted out.

There came another volley of shots. A soldier grunted and grabbed at his shoulder; then turned around and walked to the rear, grinning foolishly. Suddenly, as the men in the rifle-pits understood that no general attack was being made, that it had been a false alarm, their firing dwindled away into occasional single shots. Presently they too ceased. The firing was

over for the time being. The smoke mist cleared away and Jim could at last see clearly.

The girls still sat there, were they still unharmed?

Perfect silence followed. Presently two men strode out from the rifle-pits and paraded up and down swaggering ostentatiously, but taking good care that they were always directly in front of the girls. It was evident they had not yet discovered that they were out-flanked.

Macdonald rose to his feet and waved a handkerchief.

"Parley! Parley!" he shouted at the top of his voice, till it carried far up to the distant line of trees. He stepped forward and motioned to Ryan to accompany him. "Come on," he said. "You're a Deputy. Let's serve those warrants while the ink's still wet on 'em. You keep 'em busy while I have a word with those two big Bulgahoovians. . . ."

He thrust the roll of warrants into Ryan's hands.

The two "Bulgahoovians" were short, squat Hungarians with the flat faces, high cheek-bones and the beady, staring eyes of their breed. They awaited Macdonald's approach with calm insolence, and when Ryan stepped forward one of them broke into foul-mouthed abuse.

"What you mean, coma here? You hell of a Union man! You talk to dose men ober dere an' tella dem about da Union. You hell uv a Union man! You to-gedder wid zose soldiers. . . ."

Ryan smiled. What was the use of trying to make such cattle as this understand? However:

"That'll about do from you, Ginny!" he said. "Union or not, the main thing right now is that I'm a Deputy Sheriff an' that I've got these warrants to serve. It's because I *am* a Union man that I'm here with the troops this day. You can't understand that, can you? Don't you make any mistake about it! Every Union



man in this land stands squarely behind me. But just now I'm a Deputy Sheriff with county warrants to serve. . . ."

One of the two men shook his head emphatically.

"You no can take dam papers in zat place," he said laboredly. "We hol' ze place. We no let oazzer mans come in. . . ."

"Where'd you git them girls, Ginny?"

Ryan's tone was insolent to the last degree and no man likes to be called a Ginny, especially when he is one and can not deny it. The man waxed furious.

"You no dare calla me Ginny! Wot you tink you all be? You mens w'at comes down here to shoots ze workin' mans an' . . ."

"Shut up, Ginny," commanded Macdonald tersely, "unless you want to answer the question about the girls. Look here!" His temper rose. "Back where you came from, Austria or Hungary or whatever you call the fool place, did they teach you to hide behind a woman's skirts when the Emperor's soldiers came to make you serve in his armies and so do the only honest work you ever did in your rotten life?"

While the enraged Hungarian spluttered something about this being America where "Me as dam' good as you dam' soldier mans," Ryan whispered to Macdonald to keep up the dispute with the two men while he would take advantage of the opportunity to serve the warrants.

"Don't let 'em shoot me in the back," were his last words as he started up the hill.

He had gone hardly fifty yards when a rifle cracked in the trenches and a bullet swept past him impinging against a rock a few feet away. Ryan quietly walked on. A second shot came nearer raising a cloud of dust a few inches from his feet.

"Here! Too much of a good thing ain't worth a damn. Quit that! You . . ." He shook his clenched fist at the line of the rifle-pits and presently a man stepped out from them and hailed him in English of the native-born western type.

"See here! Ain't we told you that we don't want to have no manner o' truck with you? What the devil you want up here anyway?"

"I've got some county warrants to serve. Besides that I want the man who shot that militia man a while ago. You people're gathered here in open defiance of all law an' order an' you've got to disperse. Get that! I want my men, Bodart an' Easy an' . . ." He read off the list.

"Want'll sure be your master then, my friend! Don't you suppose we know what'll happen if we surrender any of our men? Why, they'd be taken an' tried before a packed jury an' when we holler about it, they won't pay no attention to us. . . ."

"It makes no manner o' difference to me what you get. All I know is that you're law-breakers an' that you've broke the law in the county where I'm a Deputy Sheriff. I know what *ought* to happen to you all right but . . . man, don't you see you're out-flanked? . . ."

The man sneered at him. "Out-flanked? Us? . . . Where an' how? . . . Go tell that to the marines."

"Don't believe me, do you?" said Ryan pleasantly. "All right! Look then. . . ."

He turned till he faced the spur where Jim and the two soldiers lay concealed in the abandoned mine entry and waved his hand.

The answering wave of a handkerchief showed above the low parapet.

The miner whistled. "How'd they git there?" he asked in astonishment.

"Crawled over the Eastern summit while you all was so interested in the fake signalin' that the Captain was doin' just before you committed that last murder. Goin' to surrender your men?"

"No, sir."

"All right!"

Ryan turned on his heel and strode back to camp. He passed the two Hungarians, who looked at him with frightened glances as they popped back into their earth-holes. Farther down the hill, Macdonald was waiting for him and together they returned to the lines of the waiting soldiers.

"I reckon they're in earnest," drawled Ryan. "They ain't goin' to give up. Bodart won't let 'em. It means his hide! He's caught with the goods! What're you goin' to do, Captain?"

"Show them we mean business." Macdonald gave a curt order to one of his men.

The man rose, a signal flag in each hand, and faced the far entry where Jim, Clark and Needham lay concealed.

Again Macdonald spoke and in answer to his order, the signal flags rose and shot out and sank again, moving, dipping, snapping in the light air.

Lofton, on his side, was watching intently.

"Can you read it, Needham?"

The soldier nodded. "Sure I can read it. Listen—Here it is." And he caught the message literally "on the fly."

"If you can do so, open fire at once on the trenches without endangering the girls. Pick off the men on the flanks."

"How about it?" asked Jim.

"I'll soon show you," answered the Corporal. "Here, Needham, we'll shoot in pairs, you an' me."

We'll both of us shoot at the same man so we'll be sure to get him. If we get some one each time we shoot, it'll scare 'em a whole lot more than a lot of loose firin' will. Take that man in the black cap at the far end of the trench. Sight for four hundred and fifty yards—Half point right! Ready? All right then. When you're ready. . . ."

Drawing a long breath and slowly letting it out, the two men pressed their triggers.

The shots found their mark. The stricken man sprang to his feet, looked wildly about him, spun around on his toes and suddenly collapsed.

A long yell and a burst of wild and aimless firing answered the shots. The troops responded with a steady "fire at will," aiming always at the ends of the trenches where the shots could not endanger the two girls.

Shouts of rage rose from the camp on the hill. The men there found themselves suddenly helpless. Some quit the trenches and ran back among the tents where the women and children were hidden. Some tried vainly to cram cartridges into rifles with which they were unfamiliar. Others lay prone upon the ground snapping revolvers at random over the crest of the embankment. They could have had no hope of hitting any one but were content like children to hear the noise of their own firing.

That is human nature and is seen to a greater or less extent in every fight in which green men are engaged. First comes the wild desire to be doing something, no matter what. As a result the rifle is fired. After that one keeps on firing because of the consolation that noise gives. That is the psychology of fear. Trained soldiers get over it sooner than green men but all feel it to some extent.

Jim knew that many of those men in the camp on the

hill were not green men at all but reservists who had received their baptism of fire in the many little wars that are forever flaming up among the Balkan tribes. As yet the men were a bit stampeded by their new surroundings but . . . Suppose Bodart were enough of a leader to weld these men into a really effective fighting unit. . . . What then?

He knew the answer. With a leader who could hold them, the men would grow into a standing menace. A menace to the Calderwood, to the militia, to himself, to the girls.

They heralded the coming of a still greater menace and amidst the smoke and the spurts of flame, while the cries of the wounded and the sharp whining of the passing bullets came to his ears, the thought of that menace served to steady him. True, he himself was on trial for his life; true, women were in danger of death by rifle-fire. But the Greater Menace with its miniature coiled about it made his own troubles petty and unimportant by comparison.

It was not now any question between Capital and Labor. It was not even the greater question of whether there should be in all this broad land any party that should be immune to law.

All those questions could be solved by a simple agreement between Capital and Labor.

The real menace lay in that unruly, turgid mass of ignorant, self-seeking proselytes to the ranks of anarchy whose principles were so deftly served, whose fires were so well fed by men like Bodart and his kind. They were doing all that they could to fan the flames. And they did it by creating and by keeping alive class consciousness; the foreign workman's bitter European heritage. Every foreign workman admitted to the land made one more piece of fuel added to the flame.

He was certain of only one thing: that in all this agitation, this struggle of anarchy against law, the paid agitator would be the only one to profit. The miner would lose his time and wages, the operator would lose his sales and his output, the State would lose its good name and its sovereign honor. But men like Bodart would thrive and wax fat. They always have and they always will, so long as ignorance and faulty education and unrestricted foreign immigration are drags to the feet of the native-born thousands.

He stared at the trenches as though waiting for them to give reply to his mute question. Back in the tent-colony women and children were running aimlessly about, frightened and helpless. Then they made a rush for the flimsy shelter of the canvas.

"I reckon they've dug other trenches back among the tents," commented the Corporal.

All the time, during all the excitement and the turmoil, Delia and Constance sat immovable. Their bonds held tight and they had given up their futile struggling.

Occasionally a shot spat out from the pits. But the "fire-at-will" from the State troops, sweeping right and left, made any concerted action against them impossible. The difficulty of the men in the rifle-pits was increased by the ceaseless sniping which Clark and Needham kept up from their cover, picking off a man here, wounding another there.

It is not in human nature to lie quiet under fire with no prospect of an offensive. A certain amount of self-confidence returned to the rioters. A sudden outburst of rifle-fire broke out again along the entire trench front with a crash and a roar that swung up to the hot, blue vault of the sky and was flung back from the slopes of the piñon-dotted hillsides in wave on wave of sound.

All the maxims of war were reversed. The ordinary

rule is that one man on the defensive is equal to ten men on the offensive. Yet here were forty militia men maintaining an attack on an entrenched position that was held by nearly three hundred rifle-men and the militia men were by no means trained in war.

It can not be claimed for any race that, man for man, it is braver than any other. There is no closed list for bravery. It may be claimed though and maintained without fear of denial, that man for man the Anglo-Saxon excels all others in a certain prosy and business-like way of adhering to law and order just because they made that law and order for themselves and propose to maintain it to the last. Those forty militia men were actuated by just this regard for the laws that they themselves had helped to make and which they stood ready to enforce with their lives if need be.

Across from them lay that foreign element entrenched upon the hillside, hampered by ignorance and the memory of the oppression that had crushed them in Europe, their one desire money, and the license they sought in the name of liberty.

Of liberty itself with its restraint, its obedience to law, the discipline that it engenders, they had no adequate conception.

They grew more and more enraged as the hours passed and the bullets fired by the snipers on the hill found their targets.

Annoyed and perplexed by the fire from the mine entry, Bodart finally withdrew a dozen men from the South face of the trenches and ordered them to attack the spur on which Jim and his two men lay. But it was at this moment that Macdonald, watching through his field glasses, saw his opportunity and ordered an advance to a line of rocks some fifty yards ahead.

At his shrill whistle, half his command began a rapid,

covering fire that would have told a soldier what to look for. The next moment his remaining men flung themselves forward in an ordered race for the shelter of the new line.

Jim too had picked up a rifle and was about to snap a cartridge into the chamber. That running, changing advance would need all the covering fire that it could get if it was to avoid casualties. Needham was standing at his left hand pumping lead as fast as his gun would work.

"Look at that idiot, will you! He didn't know when he was well off. Comin' out of the trenches like that, right in my line o' fire. . . ."

The man in question had scrambled out of the rifle-pits and was making a break-neck rush to the chairs where the girls were tied.

Jim looked and stared again. He knew that shuffling gait, the ungainly figure, the humped-up shoulders, the oddly swinging arms. It was Easy. . . .

"Don't shoot. . . ." He called frantically.

It was too late. Needham's bullet had already sped upon its way. It found its mark. Easy toppled sideways, clutched at his left breast, was up again . . . dropped . . . then crawled slowly and painfully towards the two girls.

Jim, squinting against the sunlight, caught the gleam of naked steel as Easy raised himself on his hand. What was he trying to do?

The next moment he knew and could have cursed Needham's skill with the rifle that had stood them in such good stead that day.

Easy's knife flashed twice. He had cut through the ropes that bound the girls to the chairs.

"Gosh!" Needham whispered. "I'm sorry about that! I didn't know."



Jim paid no attention to him. He saw Delia rise. Constance tried to but had been too long in her constrained position and sank back in her chair. Delia stepped to her side. Just at that moment a renewed burst of fire from the trenches called an answering volley from the soldiers, some of the bullets whipping little spurts of dust from the red clay at the feet of the two girls.

When the smoke and dust had cleared away once more, Jim, tense with fear, saw Delia bending over Constance, saw her pick her from the chair and take her in her strong young arms.

"God! Just look at her, will you!" whispered the Corporal as Delia, the other girl's unconscious form across her shoulders, tottered along the low parapet of the trench that lay before her. She moved inch by inch, for the weight was telling on her. A fresh volley of shots drove gravel in her very face. She cowered for a second then kept on, the body still across her shoulders. Jim wondered if Constance were wounded, or dead.

Thank God, no! All was right so far. For the next moment Constance had slipped from Delia's grip and stood free beside her.

Delia took her friend by the hand and both girls ran through a break in the line of the rifle-pits toward the tents where the women and children of the rioters had long since taken shelter.

"They'll be all right there," said Needham. "They've got some kind of cover in there for 'em. I know the breed. They know what to do. . . ." And once more his eyes puckered behind his rifle-sights.

Came renewed volley firing from the men on the hill and the militia men and then out of the turmoil and the whistle of flying bullets a soul-shattering cry shrilled up above the tumult of the fight.

"Fire! Fire! Fire!"

"Sure thing . . . Fire . . . That's what I say too," Needham laughed as he drew another bead. "That's what we're here for, to fire."

Jim's hand knocked his rifle to one side.

"Quick. . . ." he cried. "Quick. . . . We've got to . . ."

"What? Dog-gone you, you saved a man that time. . . ."

Jim pointed. From the tents in which the women and children had taken refuge, a lapping, swirling ribbon of flame edged with black smoke shot up. It darkened into flaming ruby and ensanguined orange and instantly licked up into a high-blazing mass of flame. The smoke, blue, gray, black, rolled on and up in gloomy, grotesque, sinister garlands and blew back through the pines above them.

Jim and the two soldiers sprang to their feet and dashed down the hill just as the little line of Infantry swung forward in a final advance up the slope toward the fortified camp.

## CHAPTER XIX

### BODART COMPLETES HIS WORK

THE sniping from the far spur of the hill, the determined advance of the Infantry had been almost enough to dash their hopes of success and now the fire at their backs was blazing up. They did not know what it portended; whether it was the result of an accident or whether it marked the advance of another force coming from their rear. All that they knew was that there were armed and dangerous forces on two sides and that behind them a fire blazed among the tents where their women and children had been placed.

Chaos followed!

They rushed out of the shallow rifle-pits throwing their rifles from them as they ran, shrieking, screaming, and dashed up the hill. Race fought race; friend fought friend, falling and trampling each other, while behind them the tents blazed and crackled.

When the militia men had carried the slope of the hill and had jumped across and into the rifle-pits they found there was nothing left but a square of burning tents and five dead men lying crumpled up on the sun-baked earth, while over the crests of the upper ridge of the hill the last of the rioters was disappearing.

Breathless, the men flung themselves first of all at the water-barrels that had been carefully placed about the camp.

Not a living person was in sight.

"They ran like white-heads," commented a Sergeant, wiping a dirty mouth on the back of a still dirtier hand. "An' the worst of it all is that them five men we've wiped out . . ." He pointed to the five prone figures . . . "don't any more'n square the accounts fer us. They got Allen, Forbush an' Steele down below and McQueen while he was helpin' to tie up Dike's laig. If I'd been an inch taller, they'd have busted a bullet on *my* haid."

He lifted his hat and disclosed a long, red line across his scalp.

"Here, you men! Get a move on you! We can't let those tents burn if we can help it," came Macdonald's sharp command. "Lend a hand there. . . ."

"Better had," chimed in Ryan grimly. "You all'll git the credit for havin' set fire to 'em anyway, if I know anything about the newspapers an' the pull them fellers has got."

The fire was sweeping down the line of the tents. How it had started none could tell, perhaps from an over-turned oil-stove, a hastily flung cigarette-butt, the back-flash of a rifle fired too close to the punk-dry canvas. However it started, there it was, tent after tent bursting into sudden spurts of red flame edged with black smoke that rolled wheel-like along the surface of the ground and bellied in the very faces of the men as they worked. They tried at first to extinguish the fire with water from the barrels, then seeing the utter futility of that, they set to work to raze the tents that had not yet caught.

Jim worked with the rest, now hammering out of all shape some tent-frame that offered ready fuel to the hungry flames, again bundling flaming or smoldering canvas into a roll out of the way of the leaping tongues. Once Needham pulled aside a burning timber that was

about to drop on him, and once Captain Macdonald flung him to one side as an oil-can, filled to the brim, flared into sudden flame almost in his face.

Still the fire spread with quick explosions as other oil-cans caught fire. Macdonald saw at last the utter hopelessness of his task. To endanger the lives of his men by further attempts to save only half-destroyed property would be worse than useless.

"Back, men! Back!" he shouted. "We can't do any more! There's nothing here that's worth risking a life to save."

"Nothing?" A sudden thought struck Jim. He sprang back to the tent on which he had been working.

"Captain," his voice rang above the roar and the spiteful crack and spitting of the fire, "where are their women and children? Nobody saw them run away with the men. Where are they?"

For one short moment Macdonald stood aghast. Suddenly he remembered what had been forgotten in the fervor of the fight! There had been women and children in the camp before the fight, but there had been no women and children among that horde that made the maddened rush for safety.

They had not run away. No one had seen them. Where were they then?

A maddened oath from a soldier gave the cue. He swore fervently as he kicked at a lump of freshly-turned earth near the entrance of a tent.

"I thought the fresh earth was taken from the rifle-pits," he panted as he tore the flimsy canvas apart and jerked it from the poles. "I thought it came from the rifle-pits! It didn't! Look here!"

Inside the tent, four huge trunks had been piled in the middle of the rough, board floor. Two of the men jerked them out into the open. Beneath the trunks a heavy

carpet had been spread upon the plank floor. Quickly it too was pulled from its place and rolled out into the daylight. From beneath the rough planking of the floor came pitiful appeals that died away now and then to gasping moans and sighs and futile knocking on the under surface of the floor.

"The damned fools!" . . . Macdonald's face was apoplectic. . . . "The utter, complete damned fools! To make shelter-pits without a place for air to get in or out. My God, men! Work! Work, you tarriers!" And the soldiers set to again with blistered, fire-blackened hands, tearing up plank after plank. There were four layers of them laid cross-wise. Finally, when the first board of the last layer came up with a sudden jerk the men surged forward to the opening.

Not a sound came from that black chasm!

"To the other tents," ordered Macdonald. "Get first of all to the tents that have been burned. Rip up all the floors and see if there is any one below. . . . Quick!"

There was no need for any injunction to hasten. The men rushed to the charred ruins of what had once been a tent while Captain Macdonald caught hold of the edges of the floor of the first pit and flung himself below. Four men stayed with him to give help.

Tense, white-faced, Jim stood watching to see what or who should be given up by that hole. Needham, next to him, understood his unvoiced fears.

"No fear, old man," he whispered. "Them girls can't be in any of them fire-traps. They ain't had the time to get in an' be covered up. It took a lot of time to get that floor in place an' then to cover it all up with trunks and boxes."

Jim looked about him. If the girls were not in any of those cellars, where could they be? Could they have been taken along by the retreating men? No. He

would have seen them. If they had been in the tents they would have come out. He looked again. Far over to the right there was a great pile of boxes and barrels and, even as he started for it, he saw Delia and Constance come out from behind it.

Delia rushed straight up to him undeterred by the presence of the others.

"Oh, but we were frightened!" she cried. "We could not tell what was happening. There were the shouts and the firing and then we ran in there. . . ."

She got no further. Jim seized her and held her very close. In that tight embrace Delia Stratton knew suddenly all that words might have vainly attempted to tell.

Jim held her to him for a moment. "It's all right, at last," he said. "Stay here. . . . Don't move. . . . Don't turn your head."

She shuddered and pressed closer to him. "Why?" she asked. "Why? What has happened?"

For Jim had seated her quickly upon an old chair and had dashed off to the first tent where he had left Macdonald and two or three of the men. Needham was still standing beside the narrow opening through which the Captain had swung himself into the gaping pit. "Look out," he said, as Jim came up to him.

A woman's head was thrust through the opening. It came without any act of volition on her part. She was being thrust up from below. Needham lifted the inert body and laid it on the ground. Then, while he did what he could to restore life, Macdonald and his men drew forth the others.

Body after body, women and children and babies, they brought out till nine women and four children lay in two lines upon the ground. Macdonald, breathless, staggering with weakness and nearly asphyxiated, pulled himself out of the hole,

"Water! Give 'em water," he cried in a voice cracked by smoke and heat and long continued shouting. "Work their arms up and down! Get oxygen into their lungs. They're smothered! There couldn't have been enough oxygen in that hole to keep a sparrow for a day. It was hermetically sealed. The rest of you get to the other tents."

One by one, for the number of rescuers was but small, the remaining tents were opened and one by one the pits gave up their inmates. Some came slowly back to life. Some, almost restored, refused, one might almost say with relief, the attempts to restore consciousness that were being forced upon them. Many lay limp and still on the fire-blackened hillside, mute monuments to the terrible sacrifice exacted by the God of Ignorance.

Macdonald passed from tent to tent examining the "shelter-pits" as they were uncovered.

"They dug veritable death-traps!" he said bitterly to Jim. "Just think of it! People who have no more sense than to dig holes twelve feet square and four feet deep and then jam them full of women and children. My God! Did they think we would eat them? And somebody will probably endorse the applications of these men to become American citizens."

"Yes, and pretty soon somebody will accuse you of having set fire to those tents on purpose. The State paid you to do it because it's owned by a brutal an' libidinous gang of mine-owners who grind the faces of the poor! Just you watch the papers."

"I'd like to grind a few of their damn faces," said Macdonald viciously.

"Sure! You'll be the mark for every anarchistic paper in the land."

Macdonald grinned sardonically.

"What about those men of the tent-colony who were



killed? We've got to identify them before buryin' 'em. Where are they?"

"Over here, sir."

The Sergeant led Macdonald with Jim and Ryan, who had joined them, to a little group of five bodies covered with blankets. Captain Macdonald turned to Jim:

"Lofton, you and Ryan ought to know most of the men about here. Do you know these?"

Three of the dead were foreigners, Greeks or Slavs or Hungarians, nameless members of that vast horde that swarms to America year after year. Ryan shrugged his shoulders. Their names did not matter.

But as they uncovered the faces of the other two, both Lofton and Ryan uttered an exclamation.

"I guess I've served my warrants after all," said Ryan quietly.

"You mean. . . ." Macdonald looked up.

"Yes," Jim nodded. "It's Easy and Bodart."

NOTE: This is an account of the famous Ludlow "massacre."

## CHAPTER XX

### TWO BOOKS ARE RECEIVED

As Ryan and Lofton, the latter once more a prisoner charged with murder, sped back toward the County seat, grim despondency settled down upon them. They spoke but little as the machine plunged along the broken frontier track. Back there on the ridge above the Calderwood mine, battling for law and order against the massed forces of ignorance and anarchy and crime, they had been really close together, comrades in the same cause. Now a veil had been suddenly flung between them. They were again Deputy Sheriff and prisoner and a deliberate act of focusing was necessary if they were to find each other.

Ryan was the first to speak.

He said something about, "that back there on the hill," pointing in the direction of the Calderwood, "being a sample of what Colorado had been 'up against' for years." "What do you think of it all, Lofton?"

Jim shook his head. What was there to think? What was there to say? Ignorant immigrants, unlimited bad whiskey, a venal press selling out to the biggest sensation and the highest subscription list, the wrong sort of liberty being prated of and extolled and the whole evil brew stirred by professional politicians and self-seeking demagogues. . . . What was there to expect? What could be expected in any case unless the idle words of Mike Stratton should come true and Capital and Labor

working together should put their shoulders to the wheel and bring order out of chaos.

"The majority of us Americans are decent people, I reckon," said Ryan soberly. "Law-abiding, part-educated, English-speakin'. Why don't we change it?"

Jim said he guessed it would all be changed some day, maybe soon.

"We've got a dam' good house-cleanin' comin' to us some day an' the bill fer the cleanin' is sure goin' to be staggerin'."

Jim sat in silence, unstrung, his thoughts in a whirl. But he realized the need to pull himself together. Very systematically, with all the care and precision that in years gone by he had brought to the solution of mining engineering problems, he faced the situation and analyzed it.

Hitherto his acquittal had depended mainly on his being able to convince the prosecuting attorney of the truth of his story that Bodart and his co-conspirators had actually committed the murder. He had planned to have them arrested and indicted before his own case could be called. To do this, his main dependence had been on Easy. Now Easy, his chief witness, was dead.

To be sure, he could absolutely depend on Mike Stratton and on Drake. But what could they prove? They would testify to his character and to how he had spent the hours just before and just after the murder. But they could not help him with an alibi concerning the hour when the killing had actually taken place. Only Easy could do that. . . . Or the two men whom he had seen on the slope of the hill across from the Lying Cross and who had ridden madly away as soon as the murder had been done.

He had an idea that they had been the two moving picture men he had seen at the hotel in Calderwood.

But suppose they were not? Suppose they too were men of Bodart's gang?

There was the fact that the shooting had been done with a high-power rifle of the small caliber while the rifle he carried at the time was Jugenson's forty-five-ninety Winchester.

Here was a ray of hope. But it was blotted out as he remembered that he had dropped Jugenson's rifle as he ran along the trail. It would be hard; maybe impossible, to find it again in the underbrush. And again—suppose the murderers had left one of their own rifles behind them in their flight? How would he prove that that was not the gun that he had carried that day?

The direct testimony against him was that stated in the warrant that had been sworn to by Bodart, Jepson and Company. Of these, Bodart was dead. Jepson and the others had doubtless taken part in the shooting against the militia, for they too had fled along with the foreign element over the hills. He doubted if they would come back and face arrest even to give testimony against him.

Thus it might very well be that the prosecution would fail to establish a case through failure of their lying witnesses. If so his case would hinge upon circumstantial evidence.

Formerly, he had always considered circumstantial evidence as rather fair. Facts can not perjure themselves in the witness stands and all doubtful facts are supposed to be arrayed in favor of the accused. But after all, it was "up to" the jury acting under the not very compelling instructions from the judge, to decide which was a doubtful factor and which was not. And he was familiar enough with justice as administered during strike troubles, when all nerves are stretched to breaking tension, and when feeling runs high, to know,

that a jury would not only be swayed by its own sympathies but that they would be governed largely by the known sympathies of the mob outside the court-room and by the newspapers, yellow and white.

He knew that public sympathy was against him. So too was public opinion and public prejudice. He had not far to seek for the reason in a land where nine-tenths of the working population was composed of men of alien races who had no vote but who had dynamite and knives and bad tempers; and who had, furthermore, able instructors in their use. Not only was he a mine guard, an armed man in the employ of capitalists, but there had been that tragedy among the tents of the tent-colony. He had fought on the side of the State troops and some one was sure to raise the cry that it had been the State troops, the paid soldiery of Capital, who had set fire to the tents and who had massacred the women and children who had been placed there for safety.

He remembered other cases; in Maryland; in Idaho at the time of the Steunenberg murder. He knew all about the twelve good men and true who are supposed to be without bias and to weigh evidence without fear and without favor.

He bit his lips till the taste of the slow-trickling blood bade him desist. It was done and it could not now be helped. What was the use of struggling when the very Lords of Life and Death had stacked the cards and would have the hands played exactly as they intended?

He looked from the car which was throwing backward mile after mile of that brown road as a carpenter throws shavings over his shoulder from a board. They were whizzing through a narrow ravine framed with high trees. The dying sun danced and whirled among the swaying branches, weaving a fantastic ever-changing pattern. As he watched, the crushing fatalism disap-

peared as suddenly as it had come. He *could not* give up!

He would not! There was Delia—Always Delia!

Jim was not imaginative. But at the thought of Delia, life became purposeful once more; the future took on meaning.

“Win through! Win through! By God, of course I’ll win through!”

The rhythmic thud-thud of the heavy motor echoed the cadence in his brain. When the car had jolted its way across the railway tracks that lay outside the County seat and finally stopped in front of the jail, Jim was himself again.

It was here that he would fight for his life and for his love. It was here that he would start his fight against the Menace that threatened his native land.

Major Cheape and Sheriff Garwood were in the Sheriff’s Office. Captain Macdonald had already reported over the telephone the news of the fight but Ryan and Jim found that as eye-witnesses they were expected to amplify it. Ryan took up the tale and talked for an hour. His listeners broke in on him every now and then with pointed questions.

“You say this man Bodart, the leader of the rioters, was the same man who swore out the affidavit against Lofton for the murder of Benjamin Graves?” asked Major Cheape.

“Yes,” said Ryan. “He was one of ’em. There were others too.”

“But he was the leader, wasn’t he?”

“Yes. He was the one main push that started and kept up all the fuss at the Calderwood,” admitted Ryan.

Major Cheape looked at Ryan and then at Jim.

“It appears then that Lofton here has been arrested and indicted for murder on the warrant based on the

affidavits sworn out by professional trouble-makers and agitators."

Ryan was visibly embarrassed. "I'm a Deputy Sheriff," he said slowly. "When I'm given a warrant, I've got to serve it. I got to do my duty even if others don't. Personally, I believe Lofton's innocent."

"So do I," the Major's tones were positive. "And I propose to prove it too."

He turned to the Sheriff.

"What are you going to do about it, Sheriff?" he demanded. "What're you going to do with Lofton?"

Garwood slowly shook his head. "Well," he drawled, "I guess I got my work cut out for me. The law says. . . ." He nodded toward the cells.

Cheape rose.

"Don't say it," his voice dropped earnestly. "Don't say it, Garwood! You know damned well, you don't mean a word of it."

"It's my plain duty. I can't help myself," objected the Sheriff half-heartedly.

"I'll assume all responsibility. Of course we're in a kind of a mess. If straight martial law had been declared the writ of habeus corpus would be suspended and all trials would be under martial law. But this offense was committed before martial law was declared, so it will have to be tried by a civil court. His parole is enough until the Grand Jury brings in a true bill . . . if it does. I'll not see an injustice done to a man who has rendered signal service to the State this day."

He walked up to Jim. "Will you give me your word of honor, Mr. Lofton, that you will not leave here if you are left on parole till such time as proper civil action shall have been taken by the regular constituted authorities?"

"I certainly will." Jim grasped the outstretched hand.

Sheriff Garwood again quietly interfered with steady persistence. "Of course," he remarked, "the military is in control." But after all the man would be tried by the civil arm and he, the sheriff, was responsible to the Governor. He had been elected by miners and this was a mining country and the offense was one that had set the whole State ablaze. And so on till Major Cheape, fairly exasperated, shouted:

"Damn you and your constituents, Garwood. I represent the Commonwealth of the State of Colorado. And," he added sotto voce. . . . "I'm a pretty fair sort of a lawyer myself. I know what I'm doing. . . ."

"I'm dog-gone glad somebody does!" grunted Sheriff Garwood as he waddled away shaking his head. "It's a holy mess any way you look at it."

It was as a lawyer, not as a soldier, that Major Cheape talked to Jim when they were alone together.

"I'd like to take your case myself," he said, "but there are plenty of good criminal lawyers here. I'll look some one up for you. Some one I know."

He took the directory and was poring over it when Jim laid a hand upon his arm.

"I'm going to fight this fight alone," he said stubbornly.

"What do you mean?"

"I mean that under the law, I haven't got to prove a thing. They've got to do all the proving. If there's any justice—I don't say law—in this land I'll be proved innocent. If the land is rotted to the core with the fear of this Menace then no lawyer's forensic ability can save me."

"What Menace? What're you talking about?"



Jim flushed a little. He had called it this to himself and it was a very real thing to him.

"I mean that if our whole system of Anglo-Saxon law and order and justice has been overthrown by a few scoundrels dominating some thousands of the world's scum to such an extent that they can swear a man's life away. . . . If that is true—then by the God above me it is time that this country fails. It will have failed! But I don't believe it, Cheape! I don't believe the people will stand for it."

Major Cheape's eyes were gleaming.

"It's men like you, Lofton," he began. Then he stopped. "All right," he said suddenly, "you know best. Perhaps you're right. Anyhow, tell me what you know. Do you know who actually committed the murder? I'll help you all I can in spite of this. . . ." He pointed to his uniform. "No! I mean *because* of this. Tell me all you know."

Jim told him.

"It wasn't a one man job or a two man job. It was planned and done by a gang and they played Black Jack to decide who should do the actual firing. They did it down on the station platform at Calderwood. I was there and heard it, lying under the platform." He gave the details.

Major Cheape uttered an exclamation. "What did you do then?" he asked.

Jim told him about his rush to the hotel; of the two strange men who were there; of his reaching the Calderwood mine in safety; of how he had taken old Jugenson's rifle; how he had returned to the hotel and failing to find an automobile there how he had traveled over land to the Lying Cross Cañon road.

"It was the man named Jepson who roped me," he continued. After all Easy was dead. He had died a

decent death in trying to help Delia and his sister, and Jim was not willing to disgrace him beyond the grave.

"When the squad came back from the murder," he continued, "Jepson ran to tell them about the two strangers he had seen on the slope of the hill across from where the shooting was done. Then I managed to get rid of the rope that he had tied me with. . . ."

"Yes. . . . Go on. . . ."

"I ran back to the Calderwood. I had first taken a look at the murdered men in the machine and at the ditch that they had dug across the road to make the automobile stop so they could get good aim at the men in it. I was on my way there to swear a warrant out against Bodart and his gang but they beat me to it." He smiled grimly. "They beat me to it," he repeated, "and it is I who have to defend myself."

The sudden jangle of the telephone bell cut off his words. The Major took the receiver.

"Yes? Oh! All right. I'll be with you in a minute." He hung up the receiver and turned to Jim.

"Sorry, Lofton. I've got to be going. The Mayor wants to see me. Don't give up the ship. I'll have another talk with you to-morrow."

The next day Jim looked up Mr. Owens, the prosecuting attorney. He found him a shrewd, young lawyer and an attentive listener. But when Jim started to speak about the murder from his personal point of view and told what he had seen and heard—that it was Bodart and his men who had done the deed, Owens cleared his throat.

"Never mind all that," he said.

Owens was not a dishonest man, as men go. But, like Sheriff Garwood, he had been elected by the votes of the people and those people were ninety per cent for-

eigners. All day long the little town had fairly flamed with the news of the fight between the militia men and the rioters; the burning of the tents and the death of the women and children. It was not Owens' duty to find out who had killed the three men in Graves' machine. It was his duty to prosecute the men against whom an indictment should be returned. And Mr. Owens was a young man with a reputation to make in the State.

"Never mind all that, Mr. Lofton," he said stiffly. "The crux of the matter lies in this: Certain warrants were sworn out against you by certain men, naming you as the man who committed the murder. The Coroner's Jury has reached a verdict in support of those warrants. The question now is, will the Grand Jury which meets the day after to-morrow, find an indictment against you or not."

"But I tell you I saw . . . I heard. . . ."

"As for your own side of it, Mr. Lofton," continued Owens icily, "you charge certain other men with the commission of the crime. One of the men you name is dead. The others have fled. Your own trial, if you are indicted, will come first.

"I certainly hope that you will be able to clear yourself," he added coolly. But further discussion was useless. An hour later Jim was again closeted with Major Cheape. They debated the case point by point.

"We'll have to assume," said the Major finally, "that Owens will be able to produce at least some of the witnesses who swore out the warrants. If he does, their evidence, if unrefuted, will be sufficient to convict you."

Jim winced openly. Major Cheape smiled.

"Wait a bit," he said slowly. "Let's see. On the other side what evidence can we adduce to clear you? First there is your own unsupported statement as to what occurred. Of course it will never go down with

the jury. Not in this country in times like these. Second, there is the fact that Jugenson's rifle which you took along with you and dropped in your return from the Lying Cross was a .45-.90 Winchester while the murder was committed with a .25-.30."

"They may have planted one of their own rifles near the place and are prepared to swear it was the one I had. They'd do anything to carry a point."

"Exactly. Then we'll have to quash the second point for the time being. We'll take it up again later on. Now as to the third point. You say there were two men who were on the opposite hillside who rode away directly after the shooting. Who were they?"

"I don't know. I'm not sure. If they are the men I think they were, they had taken breakfast at the hotel and their names are on the hotel register."

"Of course. I wish you had thought of it while you were there."

"So do I," said Jim honestly. "But I had a few other trifling things to think of."

"I'll bet you had. Can you go to Calderwood tomorrow?"

"Yes."

"Got enough money?"

"Oh, yes. . . ."

"Go up there then and whatever happens get the names and the addresses of those men who were at the hotel. They may be your best card. You're going to need them badly."

So early the next day Jim made a hurried trip to the Calderwood. He had only twenty minutes between the arriving and the departing trains, one a day either way.

He walked straight to the hotel office, reached for the register, not noticing the clerk's perturbation at seeing him.

"Let me have a look at that book, Frank. I want to get the addresses of those two moving picture men who were—Hurry up, will you! Here! What in Sam Hill do you think you're doing?" For Frank had pulled the register from him and had slid it behind the counter.

"Quit your fooling," commanded Jim. "I haven't got any time to lose. What the devil ails you?"

Frank cleared his throat noisily and stammered out that he had thrown away the old hotel register when it became filled up with names and had recently started a new one.

Jim was convinced that he was lying.

"All right," he said, still pleasantly, "I call your bluff. Let's see the register you just snatched from the desk."

"No names in it yet."

"What about the owner of that? . . ." Jim pointed to a great valise by the end of the counter where its owner had set it down. "I saw him register."

Frank stammered more than ever; suddenly understanding came to Jim Lofton. This man Frank, an American born and bred, was afraid of antagonizing the men who were openly trying to swear away a life. He too was afraid of the Menace. He . . . "Give me a look at that book," he said quickly. All threat, all joking, all life was gone from his tone. It was quite flat and passionless. But if Frank had been a judge of voices he would have recognized his danger. He shook his head.

In a second Jim had placed his hands on the counter and had vaulted over it.

Frank dodged and Jim heard in the distance the whistle of the approaching train. Rage seized him, he threw himself upon the man and pinioned his arms to his

sides. "Give up, damn you!" Suddenly a clear, sweet voice came to his ears.

"Hold him tight just a minute, Jim! Hold him! . . . There! . . . I've got it! Here it is!"

It was Delia. Unseen by the two, she had entered the hotel. It was her fingers which forced Frank's hands apart and tore the book from his grip.

"God bless you, sweetheart," cried Jim as, side by side, they ran to the station platform. They had still a half minute before the train should pull in.

Jim opened the register, found the page he sought and copied two names on a piece of soiled paper:

Earl Mearns, Colorado Springs,  
Peter Jodwin, Colorado Springs.

He handed the book to Delia just as the train came clanking in.

"Better keep it," he said, as he swung himself aboard. "We may need it."

Major Cheape showed great interest in Jim's success.

"It remains now to find the men. I'll wire to-night to the Chief of Police in Denver and to a detective agency. Their appearance is vital to you."

The next day the Grand Jury returned a true bill and Jim found himself held, this time formally, in jail to answer to a charge of murder.

The Major told him that he could count on having about a month in which to arrange his case. "It has been placed upon the docket for trial on the eighteenth."

"There's not a great deal to arrange, is there?" queried Jim, "except to get these two men who were on the scene. Always supposing they were the moving picture men and not two of Bodart's gang."

"Yes," agreed Major Cheape. "And supposing too

that they saw the shooting and," he added significantly, "that they are willing to be found and to talk when they have been found."

"What do you mean by that?" demanded Jim.

"Remember your experiences with the hotel clerk at Calderwood. He was afraid to help you, wasn't he? He knows that he has to live among those Ginnies. What's his life worth if he should help you and hang some of them?"

"Yes," replied Jim, "but those two men . . . if they learn that I'm looking for them . . . that a man's life hangs on their testimony . . . Good Heavens, man, you don't mean that mere cowardly fear would keep them from testifying for me? . . . That they would see an innocent man . . ."

"You can just bet they would," said the Major grimly. "They'd simply forget all about it, when they've had the oath administered. I've seen 'em do it before. 'Everybody for himself' is the motto of this Commonwealth. Never mind! We'll get 'em, whether they like it or not."

That evening in his cell, though neither afraid nor nervous, Jim Lofton again touched despair.

A conviction. . . . Perhaps a life sentence to jail. . . . A giving up of all that life held. . . . And all because of the Menace. . . . He sat and thought. In that hour conviction hardened into purpose. He had vaguely felt that when he should be acquitted he would pass out of that court-room into the open air of the world clean of any taint of crime. Yes! That was all very well. But what of the men who had made possible this smirching of his personal honor? What of the land where such a thing could happen? It was indeed a Menace. . . . A Menace such as no thinking man could contemplate with-

out forming the resolve that Jim Lofton formed that night.

His whole life had been a preparation for this trial and what he believed would be its outcome. The many false starts, the slow realization, under the press of necessity, that in work, clean work done for its own sake, lay a man's salvation; the friendships welded out of sordid toil and trouble—of Stratton, of Drake, of Constance; the love that, out of the reek and smoke and sweat that was Colorado, had been vouchsafed him from Heaven.

Was he now to give it all up?

He dropped his face in his hands. He did not hear the door of his cell open and he started violently when a hand was laid on his shoulder.

"Say, Lofton. . . ." It was Ryan's voice. Jim looked up.

"What is it?" he asked.

"Miss Stratton sent you this," said the Deputy. He put a book on Jim's knees and left the cell.

It was a little brown leather-covered Bible.

Jim had not looked into a Bible for more years than he had cared to count. He felt ashamed and shy and very much embarrassed as he opened the book.

A bit of blue ribbon placed between the pages attracted his attention and when he opened the book at the indicated place, he found that Delia had marked a passage.

He read it over and over again; repeating it to himself as if it were a powerful and healing formula:

"'Never have I seen the godly man forsaken nor the seed of the righteous begging his bread.'"

That was all.



## CHAPTER XXI

### THE MENACE COILS FOR STRIKING

THE prosecution remained silent on the subject of the witnesses it intended to produce at the trial and as to his own witnesses, Jim knew that no direct testimony of theirs could by any possibility clear him.

Stratton put it briefly.

"Look here, Lofton. I know you're innocent. If I didn't know it, my little girl would damn soon convince me. . . ."

"I love her," said Jim quietly. No other words were needed.

The old Pit Boss nodded his head. "I know that too," he said. "An' I'd commit perjury for you if it'd do you any good. But I'm no good as a liar. They'd catch me at it quicker'n lightning. I can tell 'em what you said an' did just before an' just after the killin' but as to the murder itself . . ."

"Only that man Easy could help me there. And Easy's dead. Those two men who were on the other side of the Lying Cross road may be useful."

"Have you got a line on them yet?"

"I've got their names and their addresses but I haven't got them."

"Kind of up a'gin it, ain't you, Boy?"

The words had left Stratton's lips before he realized their full import and what they might mean to Jim.

But the latter simply shook his head. He did not yet know where to turn if he could not obtain the testimony of the men he sought. Yet he would never acknowledge himself beaten. Through it all and above it all was his love for Delia Stratton.

She visited him often, and the grinning jailer managed to be out of ear-shot during their interviews.

As though by mutual agreement, they rarely mentioned the coming trial that was to decide Jim's fate. With her near him, the turmoil and the sordidness of the whole miserable affair could do no more than touch him. It was as though her presence, the mere fact of her existence, covered all the grim and threatening things with a mantle of pleasant shadows. At times in the past he had thought that he had loved but never before had he experienced anything that approached the wonder and the completeness and the glory of it.

As it was with him, so it was with her. It seemed to her that her love for Jim, must always have existed. She wondered at how she could have made a difficulty of a difference in class between herself, the daughter of Mike Stratton, Pit Boss, and Jim Lofton, Mining Engineer and till now—Tramp Royal.

Girl-like she voiced her thoughts.

"Do you know," she whispered to him one day in a tense little voice as though she had a great secret to impart, "I used to be so envious of you. You had seen so much. You had traveled over all the world. You had met people and lived among people that I had only read of. I could not and even now I do not understand how . . ." Then she told him frankly how she had felt toward Constance because Constance belonged to his own class.

Jim smiled. Then he took her tenderly in his arms. This was a specter that must be forever laid if there was

to be any happiness in this world for either of them.

"How can there be any class between you and me?" he asked. "We're two Americans, sweetheart, you and I. What class can there be between two Americans?"

A week before the trial, Drake came into the cell. He had aged greatly. His face was gray and haggard and new lines had graven themselves from nostrils to lips, drawing the mouth down at the corners with an added touch of grimness where before there had been merely firmness.

"Lofton," . . . There was a thin, quivering faintness in his voice that filled Jim with mute pity. . . . "I've come here to say . . ." He swallowed hard for a moment, choked and then continued bravely. . . . "Constance has told me all about herself . . . and you . . . and . . . my son. . . ."

Even then he could not pronounce his name.

"That's all right, sir. He died a good death."

"Yes. . . . Thank God! But . . . but . . ." His torrent of speech was almost too thick for utterance. "The money . . . I accused you of having taken it . . . of theft . . . Constance told me that she took it. . . ."

"Never mind that now. Ben's dead. He can't help me now nor can he hurt himself any more. As to the burglary charge, we'll let that wait till I've got the worse noose from around my neck. When that is done you can quash the other."

Drake shook his head.

"I shall tell the whole truth," he said dully, "and so will Constance." There followed an awkward pause. "Can I help you, Lofton, in this?"

"Thank you, there is nothing that you can do. The

only people who can help me are those two moving picture men."

"Suppose you can't find them?"

"Then I won't know what to do. Major Cheape has asked the prosecution to agree to a postponement of the trial in case the men I want cannot be found."

"Well?"

"They said 'Nothing doing.' They profess to believe that I am weaving a fairy tale and asked for corroborative testimony. The Major went to the Calderwood and saw Frank, the hotel clerk. But Frank's deadly scared and he 'stands pat.' He couldn't deny that the two men from Colorado Springs had registered at the hotel but he says that he remembers nothing about ever having heard that they were moving picture people nor about their having got ponies from him to go to the Nigger Head rock in the Lying Cross where they were to meet the rest of their party to photograph a fake hold-up."

"Well?"

Jim paused, then shrugged his shoulders. "Never mind. It can't be as desperate as it sounds. When the trial comes, I'll see a light. The Major's coaching me in cross-examination and showing me how to make liars out of the witnesses. From all that I know, I don't think it requires much adventitious aid."

Later in the week Major Cheape told Jim that he had had another talk with the prosecuting attorney but that the latter had repeated that he would fight bitterly any attempt that might be made to postpone the trial.

"Owens seems to dislike me," mused Jim. "Sort of personally vindictive, isn't he?"

Major Cheape shook his head. "It isn't that," he said.

"What can it be then?"

"The man is simply scared stiff," said the Major laconically. "He's afraid of public opinion; he's afraid of the mob. Yes, he's particularly afraid of the mob. He's afraid of the general feeling in the community; of the foreign workmen and their damned little so-called Unions, every one of which is held in leash by the Black Hand or the Camorra or some such society. And above them all and mixing a hand in every kettle is the I. W. W. Then came the mix-up at Calderwood, the fight, the burning of the tents,—'The massacre' as the yellow press calls it. Good God, man! It's evident that you don't understand what this land is when a lot of infernal scoundrels have it by the throat. Listen. . . ."

He pointed to the steel-barred open window.

Jim listened.

A continuous humming noise rose from the street. It floated and spread, topped and shot through by high guttural yells, of hate and rage with occasionally a voice shouting out above the furore of the mob, in one of a dozen languages—Hungarian, Italian, Syrian.

"... Ton noun mou. . . ."

"... pauna nam noge bole. . . ."

"... chalupeczka niska. . . ." as a Polish miner praised his own land, cursing America by reflex action.

"Can you wonder if your friends of the judiciary are alarmed?"

Jim replied frankly that he did not.

It was the Menace. The troubles of the rioters, fanned by the skillful machinations of the professional agitators, had been oil to the flames. Along with these

troubles and inseparately connected with them had come hunger, squalor, and a high death-rate. The resulting lawlessness had affected even the peaceful miners.

With the rioting and the disorder abroad, very few operators were brave enough to run their mines as conditions existed. They had shut down without waiting for the Union to give the word and hundreds of men had been thrown out of employment.

From the main street a dozen tent-colonies could be counted, each strategically placed to cover the entrances and the exits to the mines. In each of these tent-colonies were scores and scores of workmen, living God alone could tell how. Too frequently they lived on the wages of their women and Black Shame.

To all of these men, the trial of Jim Lofton for the murder of Benjamin Graves and his two companions at the Lying Cross was a full meal, furnishing both excitement and revenge.

They knew that he was innocent. Rumor had done that much for him. Also there were men who knew and told far more about the affair than mere rumor had voiced. But of all who knew it, not one man came forward to speak out what he knew. Why should he? A hated mine guard was being tried for the murder of a capitalist. Who cared for either?

Their mouths were sealed by the memory of the burned tents at the Calderwood; of the women and children who had died there. Jim had helped the State troops.

The day before the trial, Major Cheape walked into Jim's cell, holding an Italian paper and pointing to a marked passage:

**OPERATORS' EXHIBIT.)**

"It looks as though all the peoples of all the world are arrayed against you," he said. "Even the local gathering of the Bosnians have had their minds inflamed. Look!"

He pointed to the rudely scrawled **BOSNIA** beneath the skull and cross-bones.

"As far as I can find out, there wasn't a single Bosnian employed at the Calderwood. The fact that it's been printed in an Italian paper seems to show that the Bosnians and the Wops have got their heads together. They're sure trying all they know to get up feeling against you, my friend."

"Speaking *ex cathedra*," said Jim grimly, "it does seem to me that they're crowding the corpse a good deal. Still. . . . When you come right down to concrete facts, it is not me personally that they're after. It's the man who, to their minds, represents law and order and decency. If they had you in my place they'd be a lot better pleased. It's me, the mine guard, me the witness to the murder that every damned one of 'em knows was committed by their own favorite Bodart and his men. Then, you know, I helped the militia. . . ."

He was silent for a little space.

"It's the Menace," he went on, and his face became haggard. "The Menace that threatens each and all of us. . . ."

"Us? Americans, you mean?"

"I mean the Republic." He pointed to the window past which a procession of rioters was marching. They stopped at the corner opposite the jail. There was a distant shuffling of feet. Then cheers and a voice that, speaking in unimpeachable English, shrilled out above the noises of the street:

"I owe allegiance to no government. The United States is the worst country under heaven. I would wipe my feet on her!"

A storm of applause greeted his last words.

Jim raised his clenched fists.

"If I could only get my hands on that . . ."

"Never mind, Lofton." Major Cheape laid a soothing hand on his shoulder. "The old country's



weathered many a storm. She'll pull through as long as she has men like you to back her up."

"I? I help her?"

There was a suggestion of desperation in Jim's accents. "A sweet chance I've got to help anybody when I can't even help myself. Here I am in jail awaiting trial for a murder that Owens and every sane, thinking man knows that I did not commit. There must be at least a dozen men in Calderwood who know me, who know that I had no hand in it. And yet those same men are so afraid for their own skins that they don't dare tell the truth. That's one phase of what I call the Menace. Not one of them dares tell the truth. . . ."

"If they did," said Major Cheape slowly, "their lives would not be worth the hole in a doughnut. By the way, I've at last located those two men we wanted. They live in Denver now; they moved there from Colorado Springs."

"You have found them! Thank Heaven for that!" Jim rose in his excitement. "Why didn't you tell me at once?"

Major Cheape seemed strangely preoccupied and silent.

"Why, what's the matter? Good Lord! What you have told me is the best news that . . ."

"Lofton . . ."

There was an odd note in the Major's voice that made Jim look up sharply.

"What is it?"

"Lofton . . ." The Major spoke slowly and reluctantly as though he hated to say what he felt he must: "You remember the hotel clerk at Calderwood, don't you? Frank, I mean. Remember how? . . ."

He fell again into silence but the sense of what he was trying to convey came to Jim in a sudden flash.

"You mean that you found those men but that they . . . They're afraid."

"Afraid? Yes, they're afraid. Afraid of the mob; afraid of the Menace, as you call it."

"But we can subpoena them. We can force them to appear at the trial. We can have them put on oath. . . ."

"Sure we can. And what then?" The Major fairly hurled the question at Jim. "What then? Tell me that? Answer me, you who are so sure! They'd simply commit perjury. That's all. They would deny ever having seen or heard anything at all. They will not remember! I had a long talk with my law partner, O'Ryan, over the long-distance telephone. He tells me that he tried everything, threats, cajoleries, even money. But they just laid down on him and said frankly that they couldn't remember. They can not see the force of any argument except that if they tell the truth, their own lives are in danger."

Jim's face was ashen. "It looks rather hopeless, doesn't it?" he said.

"Hopeless? Do you remember the immortal words of one Paul Jones? His batteries had exploded on his own main-deck, his prisoners had risen; his ship was afire and he was summoned to surrender. His reply was 'Sir! I have not yet begun to fight!' Don't despair till I do. I've got a sort of a right bower yet up my sleeve. I'm going to send some one else up to Denver to see the timid gentlemen. . . ."

Jim sat down on the narrow bench. The gray light of the evening threw the somber shadows of the barred door on the cement floor in long stripes and bars. There was an evil omen in those shifting stripes. . . . Prison for life it might be. . . . Prison for life. . . .

To-morrow the trial would begin. Yes, to-morrow

would see the curtain up and the first round called. The first round of the fight that he had sworn to himself he would win if he had the breath of life left in him. . . . The fight for life, yes. But beyond that, the fight for the country that he knew now he loved passionately.

## CHAPTER XXII

### A TRIAL TAKES PLACE

A COLD, damp wind ushered in the dawn, shutting down from the East like the fold of a wet blanket. The brown and yellow leaves of oaks and beeches dripped moisture. But through it all the scent of the pine clad ranges above them drove like a healing balm.

Jim was up at daylight.

Twice during the night troubled dreams had come to him, and once he had sat up suddenly in his cot, wide awake, nearly numbed by a great wave of feeling that swept over him. Hope, fear, determination; all were there and back of them all lay the one element that can really unnerve a man . . . uncertainty. But with the daylight he mustered to his aid all the force of his mind and will. The emotion of fear was dead in him. So too was hope. He looked matters squarely in the face. This was not the only time that he was to join battle with the Menace but it was the first. He felt nothing now except a sober resolve to fight and, please God, to win.

He underwent a certain momentary reaction when the jailer rattled his keys along the steel bars of his cell to awaken him and told him that there was no mail for him. He had certainly expected a letter from Delia. Never yet had she failed to send him a letter each and every day. Why was there none to-day, the day of his

trial? He consoled himself with the hope that she would at least be in the court-room and that the message of her gray-blue eyes would be more far-reaching than any expressed by written word.

Breakfast was soon over. It was not such a tempting meal that he was disposed to linger over it. The county allowed the Sheriff fifty cents a day for food for each prisoner. The Sheriff messed the prisoners by contract for thirteen cents a day apiece and profited by the difference. Then the Major arrived for a last conference and a last coaching in the cross-examination that Jim still insisted he would conduct himself. Promptly at the hour set, the Sheriff ushered them into the court-room.

It was crowded with a polyglot assortment of races drawn there by their hatred for the man who had aided the State troops in the "massacre" at Calderwood. That very morning, one of the local sheets had given a new account of the "massacre" by an "eye-witness."

"It's printed at the psychological moment," Jim had said to the Major. "When you consider the mental caliber of the twelve good men and true who are to determine my future to-day, that sheet has come out most opportunely—for the prosecution."

It was not only hatred that had drawn the foreigners to that court-room. There was curiosity too. They wanted to see for themselves how justice tempered with fear of the Camorra and the Black Hand and the I. W. W. and a score of other similar organizations would act in a land where all their fondest dreams came true. So far everything had come out as they had planned. They wanted money; they got it. They wanted liberty and were given license. And they did not know what to do with it.

They hated all law, for it was the law that confirmed the Capitalist in the possession of his wealth. They

hated Jim Lofton because, as a mine guard, he had been paid by Capital to guard the property that should by rights have belonged to them.

If any one other than a mine guard or an employee of Capital had committed that murder over in the Lying Cross Cañon they would have accounted it to him as a righteous deed. It was no real crime to kill a capitalist, and it was perfectly fair to lay the blame where it would satisfy revenge while it put a dangerous man out of their way.

Jim's eyes swept the packed assembly.

Drake was there with Constance at his side dressed in black. Her face was whiter than usual and her red lips showed like a new wound. Major Cheape, sitting just across from him, smiled encouragement. Further along the same bench he saw Doctor Burns, the Calderwood doctor, and the burly figure of the Pit Boss but . . . Where was Delia?

Why had she not come?

He looked at Stratton and his eyes asked a mute question. Stratton slowly shook his head.

Again despondency settled over Jim, dropping its black mantle over heart and brain. Had Delia not come because she feared that . . .

No! Instantly his heart gave the answer. If the trial should go against him she would be here to assure him of a certain measure of happiness at least by the knowledge of her love.

His thoughts swung full-circle. Oddly enough it was an outside influence, the beady eyes of a dish-faced Slav miner, that brought his mind to a focus. The man's eyes bored into Jim's sub-consciousness. He stared back again.

"I'll fight you. . . . And you. . . . And you and all that you stand for as long as God gives me breath to

lift a hand," he muttered, as the man's eyes dropped under the fiercely compelling force of his own gaze. The thought formed in his brain and seemed to take sound as of words and to ring through the depths of his soul like the tolling of a bell.

There was a general shuffling of feet and a clearing of throats. He heard the mumbling accents of the clerk of the court, the shriller voice of Owen, the prosecuting attorney. Then a rumbling bass as Judge Emley directed that the jury be sworn.

It was rapid work, as neither Jim nor the prosecution chose to challenge any of the jurors. What was the use? The Menace was coiled to strike. Any one could comb town and county and not get one man without preconceived opinions. Nor could an English-speaking man get a jury of his peers.

Another few minutes for the rest of the moldy solemnities necessary for the stage-setting of Anglo-Saxon justice and the curtain rose. The Judge was acquainted with the fact that the accused would conduct his own case and a moment later Jim was called on for his plea.

He entered it very briefly and the prosecution called its first witness:

"Asa Jepson."

Jim suppressed his surprise when the great, bent figure of the old man tramped in through the little wicket in the railing. After all, he thought, Jepson was one of the gang of the murderers, an accessory before the fact, and had probably thought it safer to give his testimony and convict Jim of the crime in which he was himself implicated than to evade through flight the minor offense of resisting the civil and military forces of law and order in the shooting affray at the Calderwood.

The people in the court-room settled in their seats.

Not a trace of anxiety showed on Jepson's face. He stood up, looking evenly at the jury while he was sworn and sat down mopping his forehead with a huge, soiled handkerchief.

Men sat forward in their seats, blinking; most of them with faces blank with inability to comprehend even the speech of the court, watching the course of justice.

"Now, Mr. Jepson, look at the accused. Have you ever seen him before?"

Jepson stared hard at Jim.

"Sure I've seen him before. His name's Lofton. He used to be a mine guard at the Calderwood mine."

"Have you heard of any trouble at that mine?"

"Well, there's been a strike on there for about five months. Six weeks ago the mine owner, Benjamin Graves, an' two other men was murdered near there."

"How do you know that?"

"I seen it."

"Oh, you saw it? Please tell the jury exactly what you saw."

"Well, sir, I was out in the hills huntin' fer a strayed pony. I'd tramped over a lot of country an' I thinks maybe he'd be up in the gullies over by the Lyin' Cross Cañon so I goes over there. I'd took a drink o' water outen the stream an' climbed up on the hill to rest an' see if I could ketch sight of the pony. While I was settin' up there behind a big rock, I seen the accused come runnin' past me. He had a rifle in his hand. He run over the crest of the hill an' then I heerd the whizzin' of an automobile over in the valley. Presently I heerd some shots an' that feller there, Lofton, come runnin' back. He looked skeered an' white an' he was sweatin' like a scared horse. He never seen me an' he kept on runnin' down the hill,"



"What did you do then?"

"Me? Oh, I was some upset. I gets another drink of water an' goes down to the road. He'd dug a ditch across the road so's to stop the machine. The bodies of three men was lyin' in the machine."

"Just how were the bodies lying? In what positions were they?"

"I don't remember except that the chauffeur was lyin' over his wheel an' the others was huddled up in the back seat."

"How was the prisoner armed when you saw him?" asked the prosecuting attorney.

"He was carryin' a heavy repeatin' rifle. It looked like a .45-.90 Winchester."

Major Cheape coughed sharply. Jim looked at him and understood at once. The murder had been committed with a .25-.30. He had feared that Jepson and the others might have found the heavy rifle that he had thrown away and planted a .25-.30 in its place. Here was one point in his favor. He smiled. Owens, who happened to be looking at him, tried to interfere but Jepson rumbled serenely on.

"Yep. It sure was a .45-.90 Winchester rifle. An' I remember that when he come over the hill, he was snappin' the empty ca'tridge outen the gun. I picked it up. It was the last empty shell from the last shot he fired over in the cut by the Nigger Head rock. Here it is."

He produced an empty copper shell from his pocket and handed it to the prosecuting attorney who examined it and passed it over to the jury.

"Have you any further knowledge of this case?"

"No, sir. I reckon that's about all. . . ,"

He rose to leave the box,

"One moment, Mr. Jepson." It was Jim who spoke. "I have a few questions that I wish you to answer."

He smiled. He felt very sure of himself. He knew well that he was facing a conspiracy. But their work was clumsy. He could not have been expected to know that word had gone forth against him; that in fact it went forth the very day when he and Bodart had had their first disagreement; that he was to be crushed no matter what the cost. The means, the tools of that conspiracy were neither intelligent nor polished. But the plans bore every indication of being complete.

"Now, Mr. Jepson, my first question is a peculiar one. I wish to ask you this: Do you desire to make any change in the story that you have just told to the jury; the story that Bodart told you to tell; the tale that Bodart framed and that you have shaped up in accordance with his instructions, given before he died?"

He coughed and was silent, looking straight at the jury.

Owens was about to interfere but Jim continued without giving him an opportunity.

". . . Do you wish to make any change in your story or do you prefer to go down to posterity as the most monumental liar in the Commonwealth of Colorado; a man who did not hesitate to commit deliberate perjury at the behest of a member of the Industrial Workers of the World?"

"Your Honor, I object . . ." shrilled out in Owens' voice.

"Of course you do." Jim spoke softly. He faced Judge Emley, on whose lips was a faint smile. "I will prove what I say, your Honor."

He turned to the jury and swept them with a comprehensive glance.

"You will note, gentlemen of the jury, that the witness said that a ditch had been dug across the road. Mr. Jepson, how big was that ditch?"

"About ten foot long, four foot wide an' two an' a half foot deep."

"Hm! About one hundred cubic feet. How long would it take you, Mr. Jepson, to dig a cubic yard of earth?"

"Good diggin' about a yard an hour. . . ."

"That's mighty good digging and you know it. You can't do it. All right! Then it must have taken one man three hours and a half to dig that ditch. Is that correct?"

"I reckon it is. You might have dug it durin' the night."

"Of course I might, Mr. Jepson, but we are not dealing with possibilities. We are dealing with facts. When I have eliminated your story by proving you to be a liar, I will take up the facts later."

Again the prosecuting attorney objected and again Jim was allowed to proceed. On a further objection being made, the stern-faced judge announced firmly his viewpoint.

"This case involves a man's life. This court will make no ruling on points which will in any way hamper or restrain the defense who fights for his life before the law. The case will proceed."

"Let me have that empty cartridge shell if you please."

Jepson produced it from his capacious pocket and handed it to Jim.

"You have sworn that you saw me unload that identical shell from the rifle that I was carrying. Is that correct?"

"Yes. It is."

"Then if that shell was empty, the bullet that came out of it must have been one of the bullets that you say was fired by me at the men in the automobile. If your story is correct!"

"That's so. Yes! That's certainly so. . . ."

"That will do. Call Doctor Burns."

Doctor Burns was called and sworn.

Yes, he had heard of the shooting and the killing of the three men. Who had not heard of it? Yes, he had been summoned by the Coroner to examine the three bodies.

How were the men killed? By gun-shot wounds, of course.

If allowed to refresh his memory by reference to his note-book, could he give an exact description of the wounds? Most certainly.

He produced the note-book. The prosecuting attorney again interfered.

"When were these notes taken?"

"About four hours after the murder; while I was making the examination for the Coroner's Jury."

"Indeed? How did it happen that you were so particular?"

The tone was sharp and sneering, and the result was exactly what might have been looked for. Doctor Burns flushed under the question, but his reply was low-toned, even placid.

"I think there was nothing unusual in that. I was unusually particular because I anticipated being asked a question as foolish as the one just asked."

Mr. Owens sat down red-faced and angry, and a ripple of laughter ran along the benches on which sat the few observers who knew and could understand English. The Court rapped for order.

Jim went on undisturbed.

"Describe those wounds; the wounds, that is, that caused death. The others do not matter."

Doctor Burns did so, while Major Cheape smiled behind his hand. He had felt all along that a good lawyer had been lost when Jim Lofton became an engineer.

"Now," resumed Jim, "please mark this, Doctor. Have you any means of knowing the size or caliber of the bullets that killed those men? And their kind?"

"Certainly. I measured the holes of entrance and of exit. They were singularly perfect, showing that the shots had been fired from very close range. Also I found three of the bullets. Two were in the bodies. A third had struck on the far side of the machine after it had passed through one of the bodies. They were all .25-.30 high-power bullets. Here they are."

He handed them to the foreman of the jury. They passed from hand to hand along the bench and finally were handed to the judge.

"Then," continued Jim, "if these were three of the bullets that killed the men, and Mr. Jepson says he saw me coming back from the shooting with a .45-.90 in my hand and that he knows that I shot the men with the rifle I had in my hand, what deduction do you draw?"

And Doctor Burns answered without hesitation. "I do not draw any deduction. I know that Mr. Jepson is a liar."

Jim bowed to the jury. "That, gentlemen of the jury, is precisely what I started out to prove. Mr. Jepson is excused."

"One moment, sir. Mr. Jepson is *not* excused." The old judge fairly trembled with ire. "The witness will be held by the sheriff under a bench warrant charging him with perjury before the court. Have a deputy take the witness, Mr. Sheriff. The case will proceed."

Jepson, his Adam's apple pumping up and down like the mercury in a barometer before a typhoon, sat trembling in his seat till a stern-faced deputy touched him on the shoulder.

"Call your next witness."

Bently came in, was duly sworn and told precisely the same tale that Jepson had told, varying the details just enough to convince the jury that there had been no collusion between himself and Jepson.

Jim took Bently in hand and cross-questioned him after the most approved manner of the old-time inquisitor. Result, nothing. Bently told his story and stuck to it in spite of apparent discrepancies that a child of thirteen would have blushed over. When Jim, pointing to a certain glaring error in his account, demanded an explanation, the witness shook his head.

"I can't explain it. I ain't here to explain nothin'," he said arrogantly, looking along the crowded benches for the applause that he got in shuffling feet, suppressed laughter and shrill whispers of approval. "I'm here to tell the truth, an' I'm tellin' it. . . . An' the truth is"—his voice rose—"that you're the murderer, you damned mine guard. You shot them men the same as you killed them women an' children at—"

"Order!" shouted the Judge. Bently, smiling maliciously, left the box.

Jim had turned white with rage at Bently's outburst. It had been so sudden and so unexpected that it could not have been stopped. He looked at the jury and, as he looked, a feeling of despair swept over him. When Jepson had been proved a liar and a perjurer, an expression of interest had been apparent on the faces of the members of that jury. Now their faces were utterly blank and expressed only utter weariness. They were satisfied that James Lofton was guilty and

that the evidence of the witnesses was merely corroborative. The discrepant details were negligible and unimportant.

That expression of utter weariness increased as Soper and Williams, the two remaining members of the Bodart gang, were introduced in turn and told their stories.

They had learned discretion from Jepson's misfortune and they gave no details by which Jim could trip them up. They told the simple and direct lie, the hardest thing in the world to disprove in a witness who has even the rudimentary notions of lying. They said that they had seen the accused shoot the men in the machine. That was all.

In spite of all Jim's attempts to break down their testimony, they emerged from the witness stand without any signs of weakening.

Jim sat in a daze as, the evidence of the prosecution being all submitted, Owens summed up. It was the tense hush of expectancy that followed that told him that it was his own turn to take the case and to put what evidence he had before the jury.

What evidence did he have?

He called Stratton, who testified to Jim's character; to the thorough manner in which he had always done his work; to the explosion in the mine that had blinded Serafini; to the attempt to blow up the office which Jim had discovered and frustrated. He testified to Jim's excitement just before the murder; to his telephone message; to what he had said just after the murder. But as to the murder itself he could say nothing.

"I'm convinced Lofton's innocent. He's no more guilty than I am or you," he shot forth to the angry Owens, who promptly cut in with a sharp:

"That may be your belief, but it's no proof."

Drake's testimony tallied with that of the Pit Boss. But when he was about to sit down, Owens turned to Jim with a sharp-edged, malevolent smile:

"You say, Mr. Drake, that the accused has always been known by you to be honest?"

"Yes, sir."

"Then what about the warrant. . . . I believe there is such a warrant . . . sworn out by you, charging the prisoner with the theft of four hundred dollars from the safe of the Calderwood Company?"

"I object, Your Honor. I am not being tried for theft, but for murder."

But the Judge refused to uphold the objection and Drake was directed to answer. He did so with a very husky voice, the sweat pouring from his brows:

"Since swearing out that warrant, I have become convinced that Mr. Lofton did not take that money. . . ."

"Then who did?" asked Mr. Owens.

The reply came low but firm: "My daughter took it."

A sudden silence fell. The jury leaned forward, staring at Constance Drake. A deep, surging excitement swept over the court-room. Even the foreigners, dumb, brutalized, with no comprehension except for hatred, greed and passion, felt insensibly that a second drama was being enacted before them that they could not understand. The very air was tense with it. The few who understood whispered the evidence to those who did not.

Owens was quick to recover his mental balance. He had whipped that jury into line once. To let them get out of hand would be very poor tactics. He knew juries and how waves of unreasonable emotion attack them in a body. He cross-examined Drake, picking



holes in his evidence with a finesse and skill that showed him a pastmaster in his art. He built up a story—out of nothing—that indicated there were curious bonds between Jim Lofton and Constance Drake; that her father knew of this. And so . . . though Heaven only knew why he should have approved of such a thing—”

“I object,” cried Jim again. And this time Judge Emley upheld him.

As the case stood when the evidence was all in, Jim knew that it was against him. He could read that in the faces of the jurors. He saw clearly that to them his story was a skeleton to which they dared not give credence. He had no witnesses; not one to prove the truth of his statements.

There was not one witness except those two men, Mearns and Jodwin, and they were absent because they were afraid of the Menace. So were the jurymen and Owens, the prosecuting attorney, afraid. Yes, and so too was the Commonwealth of Colorado itself afraid of that same Menace that sat there on those crowded benches whispering in uncouth tongues, Bosnian, Italian, Greek with the red cards of the Industrial Workers of the World thrusting from many patched pockets.

Still. . . . He would speak and speak the truth. It should never be said of him that he did not play the game to the very last card. He was sworn and took the stand in his own behalf.

He told his story from the moment when he had first met Bodart in the train, merely mentioning en passant, their first fight. He told of the attack that Bodart had made upon him on the hill; of the accident to Serafini which was no accident at all; of the attempt to blow up the office; of the several attempts that Bodart had made to get him to join his party; of how he had learned of the plot to kill Graves. He told of how he had lain

under the platform and had heard the names of all the men who were chosen to do the killing; how he telephoned to Stratton; how he ran across the hills to warn Graves; how that part of his plans had been upset by Jepson and finally he gave the names of the men who were in the party.

He paused for a moment.

He knew that it was hopeless. He could read that in the faces of the jurymen. All that he had proved—the fact that it would have taken him hours to have dug the ditch across the road; the fact that Jepson had sworn the killing was done with a .45-.90 rifle; the many discrepancies in the stories told by the many witnesses for the prosecution—all these would help him not at all.

That jury believed him guilty. Even if they did not believe him guilty, when they assembled for debate in the jury room they would convince each other that they did. Was not this the land of terror where force alone ruled? He stopped in the very middle of a sentence and sat down, as if he were willing to give up a futile struggle in which all the powers of life were arrayed in league against him.

Owens was quickly on his feet. He asked if the defense had any more witnesses it wished sworn. "Witnesses who can attest with the evidence of their own eyes the verity of this interesting—ah—tale with which the accused has regaled us—"

He was thunderstruck when Jim suddenly sprang to his feet, his face beaming, his finger pointing to the rear of the court-room.

"Yes . . . You bet I have!" he shouted. "Your Honor," he turned courteously to the judge, "I demand that two more witnesses for the defense be sworn in."

Necks turned and craned and a thousand eyes followed Jim's pointing finger.

The main door to the court-room had opened and two men entered; two men who were obviously embarrassed and plainly scared. Directly behind them came Delia Stratton.

## CHAPTER XXIII

### A CURIOUS ACQUITTAL IS NOTED

LONG afterwards, Jim Lofton used to say that while he had never heard of such a term as the Psychology of Vision, yet it was exactly that that told him he had won when he saw Delia entering the court-room herding before her the two moving-picture men like a couple of most unwilling sheep.

As they came down the aisle, men turned and gazed at them, first at the men, then as by common consent at Delia. The girl's eyes were blazing. Such a light may have shone in the eyes of the Maid of Saragossa what time she mounted the walls of the city and bid the men of Spain see what a woman could do when men failed in their duty.

"Look," her wonderful gray-blue eyes signaled to Jim across the crowded court. "Here are your men. Now fight your own fight while I wait. It is yours to fight."

And he did.

It did not matter just then how Delia Stratton had succeeded where Major Cheape had failed. Nothing mattered except that she had won.

Jim turned to the Judge.

"I request that my first witness be sworn, sir."

Jodwin was sworn and took the stand. He was evidently badly frightened. His eyes sought the distant corners of the court-room; then as though drawn by a magnet, they sought the long rows of darkening faces

that filled the benches. Jim decided that now, if ever, was the time for what eloquence he might possess.

He spoke in a high, clear voice, and his words, trite in the printed word, cut through that crowded courtroom like sharp steel, flashing, alive, as vivid as sunshine, challenging, portentous.

"You are an American, Mr. Jodwin, are you not? Yes! Please remember that! You are here, sir, to appear for another American; a worker as you are. An honest man as you are. A native-born American, Mr. Jodwin, who, like you, stands by himself and fights by himself against a Menace that threatens not only himself but his native land. The Menace of Organized Intimidation; of Corruption; of Crimes of"—he hurled the words at the packed benches—"the Black Hand, of the Camorra and of the Industrial Workers of the World—"

"I object," came the voice of Owens like the refrain of a Greek chorus. It came too late. Jim had made the appeal he wished to make. He saw Jodwin look squarely at him and noted the little spot of color that came into his cheek. He nodded his head slightly. Jim had touched his pride.

"What is your full name?"

Jodwin gave it.

"And your business?"

"I write scenarios for moving pictures. Apart from that I'm a photographer."

"Where were you on the sixteenth of last month?"

The answer came without a quiver. "I was at Calderwood."

"In this State?"

"Yes, sir, in this state and in this county."

"What were you doing there? Tell the whole story of your doings."

"I—we—me and my partner, Mr. Mearns, went there. You know the movie people are crazy about Western dope. We had wrote up a scenario that was a corker. We showed it to the manager of a company up at Colorado Springs and they agreed to stage it. It was a scenario that had in it the hold-up of a mine paymaster.

"Mearns and I went to Calderwood to stage it there because Mearns had taken a lot of pictures about there and said it was a fine background for the thing. We went on ahead. The rest of the company was to meet us at Calderwood.

"We waited for them at Calderwood and when they didn't show up we left word for them to follow us to the place where we were going to pull it off. Mearns had picked out a good place by a big rock that they called Nigger Head Rock on a road that they call the Lyin' Cross Cañon road. . . . That was where we intended to stage the hold-up. Me and Mearns went on ahead to set up the camera so there wouldn't be any delay. . . ."

He paused. The entire jury leaned forward, as one man.

"Go on. . . ."

"Well. . . . I found out afterwards that something happened to their machine; their automobile, you know. It broke down and they was late. I didn't know it till later.

"Mearns and I got out there above the rock on the hill to the east and got our camera in position. We were tinkering with it when we heard an automobile coming down the road. Mearns was at the machine. He yells out to me that our men was coming down the road and that he was going to begin to grind.

"Well, he grinds. An' then he calls out to me:

" 'Hell, Pete,' he says, 'these ain't our people. . . . By God!' he says with a shout, 'we've stumbled on the real thing.' Then we heard a volley of shots. . . ."

"Did you get the picture?"

"You bet we did. Good one too. The best I ever took."

"What did it show?"

The answer came with a solemn emphasis that cut the hush of that crowded court-room like a knife.

"It showed a cold-blooded and deliberate murder."

There was a silence; a silence as of death itself.

Jim continued:

"How far were you from the machine when you took the picture of the murder?"

"I didn't take the picture. Mearns did that."

"No matter. How far away was he?"

"Forty—maybe fifty yards."

"Could you see the whole thing? Did you get a good picture?"

"The best an' clearest I ever took." Jodwin spoke with the pride of a workman sure of his craft.

"Did you develop the film?"

"Yes, sir. We developed it after we got away. At first I wanted to destroy it, but . . . well, you see, a good film's always worth money. Me and my partner thought we would sell it when we got East. . . ."

"Why wait till you got East? Why didn't you sell it here in Colorado? Why were you at first inclined to destroy it?"

Jim's questions fairly tumbled over each other.

"Why did you refuse until to-day to come into court to give your evidence in this case? What were you afraid of?"

The jurymen leaned forward in their intense eagerness to hear the answer. It came haltingly.

"I—we—were afraid of the—the Ginnies. Them foreigners, you know. The I. W. W. if you must know—"

His shaking finger swept the benches in front of them.

"Yes—yes—I understand. But I asked you *what* you feared, not *who*?"

Again the answer came dull and droning.

"We knew that if that film should be shown on the screen that we'd be done up. . . . They'd find some way to do away with us—"

"You mean that you thought they would kill you?"

"I mean I know darned well they would."

There was a short, terrible silence during which men's breathing could be heard all over the silent court-room. Jim resumed:

"You say that you kept the film. Where is it?"

"Here."

"Where?"

Jodwin pointed to a black box slung across Mearn's shoulder by a strap.

"In that box," he said shortly, "with the whole outfit."

"What do you mean by 'the whole outfit'?"

"We've got with us a small machine. The portable kind."

"Do you mean a camera?"

"No, sir; a projecting machine."

Like a flash, a sudden, God-given idea surged into Jim's mind.

"Can you give an exhibition here? In this court-room?" he demanded.

Jodwin looked about him with the practiced eye of an expert. He pointed to the dead-white expanse of the wall across from the door to the main corridor.

"Sure," he said confidently. "That'd do fine."



Jim turned to the astounded Judge. "Your Honor," he said, "I beg your permission to do what has never been done before in any court of law. I will give you an ocular demonstration of the killing of Benjamin Graves and his party."

Instantly Owens was on his feet objecting. Judge Emley overrode the strident-voiced complaint and gave the desired permission.

There was some tinkering with wires and electric light sockets. Jodwin left the court-room, to return after what seemed hours with a length of green cord. There were flashes of light from the box, followed by darkness. The crowd grew restless—began to stamp and jeer.

Finally Jodwin rose.

"I'm ready. . . ."

He turned to Jim. His face was white and tense.

"I'm ready but—" He pointed to the broad band of sunlight that was filtering in from outside wandering over the crowd in crooked, checkered patterns that trooped up the white wall in orange blotches and sudden white high-lights.

Jim understood. He bowed to the Judge and asked permission to have the court-room darkened.

"It is a most irregular proceeding," said the Judge, "but I suppose we can't have pictures in a well-lighted room. Don't trouble to object," he said to the struggling Owens. "Save your breath, sir."

In another minute, with the help of curtains and coats, the windows were darkened.

"Ready," said Jodwin.

He raised his hand with a gesture that drove through the dense gloom like a dramatic shadow, looming, fateful, portentous. Mearns mumbled an indistinct reply

and bent over the machine. A broad band of brilliant white light shot out, felt its way staggeringly across the room; halted, shivered and nosed forward as if searching for something, and finally lay, painful in its intensity, upon the opposite wall.

Then came the dry, staccato click-click-click of a rapidly moving reel.

A shudder of expectancy ran through the crowd. Here and there a foreigner made the sign of the Cross.

Jim felt a tightening, nameless sensation grip his heart, then suddenly spread through his whole being like a swift fever. All the muscles of his body relaxed and icy perspiration burst from every pore. A thick, rushing sound was in his ears. Later he said that in that moment, absurd, unreasonable, incongruous as it seemed; that Fear had gripped him for the first time.

Fear of what? He did not know. He only knew that he was afraid.

Suddenly, a picture threw itself against the glaring white wall. . . . A bare hill-crest fringed with a few lank pines and an edging of ghostly, feathery bush; a narrow road in which showed plainly a great ditch yawning just below the bottom of the hill.

Presently, as the click-click-click of the reel gathered speed, a blur appeared in the middle distance.

It resolved itself into an automobile. When it reached the foot of the hill, the chauffeur discovered the ditch. Just as suddenly the heads of five men appeared over the crest.

There came a puff of white smoke! The tragedy was enacted!

Men in the audience gasped. A wide-shouldered, rough-haired Bulgarian rose in his place. He stammered out words.

"Sit down there!" It was Ryan's voice.

Some one jerked the man back into his place. He collapsed, still muttering.

A break had come in the picture. The next moment it had focused again.

They saw the old man in the leather coat in the rear seat of the machine fling his arms wide while the chauffeur dropped over his wheel. The other man sank to the floor of the tonneau. Then the old man seemed to regain some of his lost strength. He rose with an effort, his right hand clutching his breast. He staggered, straightened himself and started to leave the machine. Suddenly a man sprang from behind the ridge, whipped a rifle to his shoulder and fired twice. He raised his head.

"Bodart!" shrieked a voice. "That's Bodart! God Almighty. . . ."

And as if the word had given the signal, the room went crazy.

Jim was vaguely conscious of the Major's voice, suspiciously tremulous, saying quite close to him, "You've won, man! You've won!" was vaguely conscious of a clicking noise as the wicket in the railing opened; then a soft hand stole into his and a softer voice said something to him; a tear-choked voice that bore in it the sweetness of fresh air and freedom and all the glad outside world.

"Jimmy," she said, "oh, Jimmy." That was all.

He stared. The grinding of the projecting machine had stopped. The beam of white light had jumped back into the darkness. Faintly, through the cracks of the improvised curtains, a broken, indifferent sun-ray drifted into the room. In the sudden half-gloom Jim looked at the mob that crowded the benches; that tried to crowd out of the seats; away from the accusing eye

that had showed the truth on the wall behind them; away from the consciousness that they had been liars, liars all, and willing to see an innocent man sent to suffer for a crime that they one and all knew he had never committed.

They seemed to have lost whatever of manhood they had ever possessed. Fear and superstition speaking to them from that wall had seared their souls. They fought each other, they bit and clawed and gouged in a wild effort to break away into the open.

To Jim they seemed to be playing some senseless game of madness. He saw them groping in the gloom, snatching at the shadows of things, and surging in a frantic mass toward the door.

Slav and Hungarian, Sicilian and Greek, Jew and Mexican, they rolled through, yelling and fighting; far out into the street away from their fear, into the living sunshine of reality.

All the time the clerk and the Sheriff had been trying to restore order, and the Judge had rapped his desk with no effect. Finally when the last outlander had left the room, quiet came again. There was just a handful of Americans left.

Judge Emley turned to the jury.

"Gentlemen. . . ."

And the jury without leaving the box delivered the verdict that it could not refuse.

"Not guilty!"

Jim Lofton, hand in hand with Delia, walked out into the street a free man.

He remembered the next few hours but vaguely as one remembers things lived through in a dream. He remembered the handshakes and the congratulations; his asking Delia how she had succeeded where Cheape had failed in persuading Mearns and Jodwin to come

to the trial and to speak the truth; and her reply that nothing was impossible when a girl really loved.

He remembered Drake's words, "Come back to the Calderwood. We need you there." And his own reply, "You bet I will!"

He remembered groping in his pocket for something, and Constance Drake's laughing words:

"Never mind. I'll lend you a dollar for the marriage license, Jim."

All these he remembered at times vaguely. But he never forgot a single second of the day's dying hours. How he motored back to the Calderwood with his wife—with Delia. The wonder of it never left him. How they sat on the porch of the Stratton house thinking and talking of the future.

They talked for hours and hours. The bleak coal lands were bathed in a mist of silver and blue; the silver of promise and the blue of hope. A strong sweet wind blew down upon them from the higher ranges heavy with the smell of the pines.

The Menace seemed far away. But Jim knew that it had only crawled away for the time being into some hidden place. It was scotched, not killed. He forced the thought of it back into his mind with an effort as his arm tightened about his wife's waist.

He would fight that Menace; he and the girl by his side and, God granting it, their children.

THE END



